

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

RHONDA LEDFORD, an individual,)
et al.,)
Plaintiffs,) Case No. 1:12-cv-00326-BLW
vs.)
IDAHO DEPARTMENT OF JUVENILE)
CORRECTIONS, an executive)
department of the State of)
Idaho, et al.,)
Defendants.)
)

DEPOSITION OF SHARON HARRIGFELD
TAKEN SEPTEMBER 23, 2013

REPORTED BY:
SHERI FOOTE, CSR No. 90, RPR, CRR
Notary Public

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1 THE DEPOSITION OF SHARON HARRIGFELD was taken
 2 on behalf of the Plaintiffs at the offices of Anderson
 3 Julian & Hull, 250 South Fifth Street, Suite 700, Boise,
 4 Idaho, commencing at 9:07 a.m. on September 23, 2013,
 5 before Sheri Foote, Certified Shorthand Reporter and
 6 Notary Public within and for the State of Idaho, in the
 7 above-entitled matter.

8 APPEARANCES:

9 For the Plaintiffs:
 10 Law Office of Andrew T. Schoppe
 11 BY MR. ANDREW T. SCHOPPE
 12 910 W. Main Street, Suite 328
 13 Boise, Idaho 83702
 14 For the Defendants Sharon Harrigfeld, Betty Grimm, and
 15 the Idaho Department of Juvenile Corrections:
 16 Anderson Julian & Hull, LLP
 17 BY MR. PHILLIP J. COLLAER
 18 250 South Fifth Street, Suite 700
 19 P.O. Box 7426
 20 Boise, Idaho 83707-7426

21
 22 ALSO PRESENT: Rhonda Ledford, Tom de Knijf,
 23 and Nancy Bishop
 24
 25

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1 I N D E X

2 TESTIMONY OF SHARON HARRIGFELD PAGE
 3 Examination by Mr. Schoppe 4

5 E X H I B I T S

6 NO. DESCRIPTION PAGE
 7 144 - E-Mail From Betty Grimm to Julie Cloud 157
 8 and Pat Thomson, 10/24/11
 9 145 - E-Mail From Sharon Harrigfeld to All 157
 10 Staff, 3/7/12, Re: Voiced Concerns
 11 146 - E-Mail From Julie Cloud to JCCN All 159
 12 Staff, 7/3/12, Re: Respectful
 13 Workplace
 14 147 - E-Mail From Sharon Harrigfeld to Vicki 159
 15 Tokita, 7/26/12, Re: Lawsuit Situation
 16 148 - E-Mail Chain, 1/22/13 to 1/23/13, Re: 162
 17 PbS
 18 149 - E-Mail From Julie Cloud to Sharon 164
 19 Harrigfeld, 2/22/12, Re: Personnel
 20 Info
 21
 22
 23
 24
 25

1 SHARON HARRIGFELD,
 2 first duly sworn to tell the truth relating to said
 3 cause, testified as follows:
 4 EXAMINATION
 5 QUESTIONS BY MR. SCHOPPE:
 6 Q. Good morning.
 7 A. Good morning.
 8 Q. Thank you very much for coming.
 9 A. You're welcome.
 10 Q. I'm Andrew Schoppe. I represent the
 11 Plaintiffs in this matter. Have you ever had your
 12 deposition taken before?
 13 A. No, I haven't.
 14 Q. Without telling me what you spoke about with
 15 your attorney, you've had an opportunity to meet with
 16 him and kind of go over the process?
 17 A. Yes, I have.
 18 Q. So, you understand that you're under an
 19 obligation to tell the truth just as if you were
 20 testifying in a courtroom; right?
 21 A. Yes, I do.
 22 Q. Anything that might negatively impact your
 23 ability to testify, whether that be prescription
 24 medicines, fatigue, memory problems, anything like that?
 25 A. No, sir.

1 Q. Generally speaking I'm entitled to your best
 2 answer. I'm looking for everything that you know.
 3 Anything that you might have seen, have heard, even if
 4 you heard it from someone else, I'd like to know who you
 5 might have heard that from so we can find out more about
 6 that.
 7 If any of my questions are unclear to you at
 8 all, by all means feel free to say so and ask for a
 9 clarification or rephrasing or restatement. You're
 10 welcome to take a break and ask for a break if you wish
 11 so long as you've answered whatever question has been
 12 asked.
 13 Can you tell me everything you did to prepare
 14 for today's deposition, please.
 15 A. Well, I met with my attorney and reviewed
 16 some -- I reviewed Rhonda's deposition and I looked at
 17 some old stuff from the Nampa facility.
 18 Q. What do you mean by "old stuff"?
 19 A. I looked at -- I looked at some information
 20 that Tom Knoff wrote for us when he did -- we asked him
 21 to come down and he asked some questions of the Attorney
 22 General and so I looked at those.
 23 Q. And what were those questions about?
 24 MR. COLLAER: Just a moment. I need to
 25 clarify something. If he's asking you something about

1 advice solicited from the Attorney General's office,
2 whether it be from Mr. Knoff or on behalf of the
3 Department, we'll assert the privilege and instruct the
4 witness not to answer. But outside of that, go ahead.
5 THE WITNESS: Well, the questions were to the
6 Attorney General's office, but they came to me and they
7 were more just questions about what coverage and
8 different things like that.
9 Q. (BY MR. SCHOPPE) Staff coverage?
10 A. Yes.
11 Q. And Tom Knoff drafted those questions?
12 A. He and his staff drafted them.
13 Q. And do you know what the questions were for?
14 Were they looking for legal advice or what was that
15 about?
16 A. I don't know if they were -- yes, I do believe
17 that they were asking for legal advice.
18 Q. Anything else that you reviewed in that
19 category of "old stuff"?
20 A. No, not really.
21 Q. Was that no, not at all, or there might have
22 been something else or --
23 A. No, not at all.
24 Q. Did you speak with anyone other than your
25 attorney to prepare for today's deposition?

1 A. Well, I've spoken with Human Resources, but
2 other than that, the attorney.
3 Q. Who did you speak with there?
4 A. Julie Cloud.
5 Q. And when did you two talk?
6 A. Well, the last time we talked was this morning
7 because she was ill. She called me to tell me that she
8 was ill and wouldn't be coming in today.
9 Q. Sorry to hear that. Did you talk about her
10 deposition?
11 A. I asked her how it went and she said that
12 she's glad it was over.
13 Q. Most people usually are. Did you discuss any
14 of the testimony that she offered?
15 A. She questioned whether or not she had answered
16 the questions right.
17 Q. Any particular questions?
18 A. She talked about -- you know, I can't
19 remember. No, because she was so sick, I just wanted
20 her to get off the phone because she sounded so
21 horrible.
22 Q. Have you spoken with Betty Grimm?
23 A. I spoke --
24 MR. COLLAER: To the extent you spoke with her
25 outside the presence of your attorneys, then go ahead.

1 Otherwise, we'll assert the privilege and don't answer.
2 THE WITNESS: I spoke with her the day of her
3 deposition.
4 Q. (BY MR. SCHOPPE) But not since, other than --
5 A. No. No, I have not spoken with her. She left
6 me a voicemail that said that she was -- she would be
7 thinking of me on Monday, but I didn't call her back.
8 Q. All right. And before her deposition had you
9 spoken with her about her deposition?
10 A. I called her and told her that I would be here
11 and to support her.
12 Q. Did you talk about anything that she might
13 testify about?
14 A. No.
15 Q. Did you speak with anyone else other than
16 Julie Cloud or Betty Grimm?
17 A. No.
18 Q. Have you spoken with Laura Roters since her
19 deposition?
20 A. No.
21 (Mr. de Knijf entered the deposition.)
22 Q. (BY MR. SCHOPPE) Did you review any responses
23 to discovery in preparation for today's deposition?
24 A. No, I did not. You know, I take that back,
25 Andrew. I did review some of the e-mails. Is that what

1 you're talking about?
2 Q. It could be if you're referring to documents
3 that might have been produced by the Department or by
4 the Plaintiffs.
5 A. Yeah. And, you know, I did that a while ago,
6 but I did look at some of those.
7 Q. Do you remember what you looked at?
8 A. No, I can't tell you exactly what I looked at.
9 Q. Any general topics that you might be able to
10 recall of those e-mails?
11 A. Well, the one e-mail that talked about Rhonda
12 being, you know, being -- showing up to work on time, I
13 remember reviewing that e-mail.
14 Q. Do you remember who that was from?
15 A. I believe it was from Julie Cloud.
16 Q. All right. At some point did you review
17 document requests that were produced by the
18 Plaintiffs -- or propounded by the Plaintiffs to the
19 Department and to you and Ms. Grimm?
20 A. Did I review the document requests?
21 Q. Yes.
22 A. Yes.
23 Q. And did you yourself gather documents that
24 might have been responsive to that or did someone else?
25 A. Yes, I did.

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1 Q. Did IT or anybody else handle any part of
2 those responses as far as you know?
3 A. Yes.
4 Q. And who did that in IT?
5 A. Mike Seifrit is what I believe. I just know
6 IT pulled a lot of the documents.
7 Q. What kinds of documents were they responsible
8 for finding?
9 A. It's my belief they had pulled e-mails that
10 you requested from the time the lawsuit was filed until
11 present.
12 Q. All right. Anything else that they might have
13 looked for as far as you know?
14 A. Not to my knowledge.
15 Q. Did you also review interrogatories that had
16 been propounded by the Plaintiffs?
17 A. I don't even know what that means.
18 Q. A question basically, a question about a
19 particular topic. I can show you the document. We'll
20 get to that in a little while, but this would have been
21 along with the Plaintiffs' request for production of
22 documents and another request called requests for
23 admissions.
24 A. I don't know if I did or not because I don't
25 know what those would have been, so --

1 Wyoming.
2 Q. Did you go to high school out in that area?
3 A. I went to high school in Ashton until my
4 senior year and I graduated from Borah.
5 Q. All right.
6 A. Here in Boise.
7 Q. All right. And at some point did you go to
8 college?
9 A. Yes.
10 Q. Where did you go to college?
11 A. I started at Boise State. I went to the
12 University of Utah and Utah State as well, graduated
13 from Boise State.
14 Q. All right. And when was it you started at
15 Boise State?
16 A. The fall of '74.
17 Q. And did you have a particular major when you
18 started?
19 A. Art.
20 Q. And how long were you there?
21 A. I was there for two years, took a year off to
22 save money to go out of state, which is when I went to
23 Utah State, and then came back and finished at Boise
24 State.
25 Q. All right. So --

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1 Q. Or a written discovery? Would that ring a
2 bell?
3 A. Would I have reviewed written discovery?
4 Q. Right.
5 A. I don't -- I don't recall that I have, but --
6 Q. Okay, we'll look at --
7 A. But that doesn't --
8 Q. I'm sorry, I'm breaking the rules by
9 interrupting you. That's one other thing I should have
10 told you at the beginning is that if you can let me
11 finish my question and then give your response, and
12 we'll avoid talking over each other like I just did so
13 that the Court Reporter doesn't get angry with us both,
14 although I'm the one who should really know better.
15 A little bit about your background. Are you
16 from Idaho or somewhere else?
17 A. I am from Idaho.
18 Q. Whereabouts?
19 A. I grew up in Ashton, Idaho, on a potato farm,
20 pure Idahoan.
21 Q. I guess. Where is Ashton, by the way? I'm
22 not familiar with that.
23 A. It's close to -- it's in the cusp of
24 southeastern Idaho. It's close to the Washington,
25 Montana border up by Yellowstone Park and Jackson Hole,

1 A. '79 is when I graduated.
2 Q. '79? Okay. Why did you go to Utah? I mean,
3 why did you go to Utah State?
4 A. I wanted the opportunity to -- I couldn't
5 afford to go -- to live outside of, but I wanted the
6 opportunity, so I just sat out a year. And that was a
7 good college for me in art and so I decided that's what
8 I would do and took out a year, you know, saved money
9 and came back.
10 Q. Sure. Okay. Did you work during that year?
11 A. While I was at Utah State?
12 Q. The year --
13 A. The year that I took off, yes. Yes, I did.
14 Q. What kind of work did you do?
15 A. My family owns Hillcrest Floral. So, I worked
16 full time at the flower shop.
17 Q. Did you have a particular career goal as an
18 art major?
19 A. Well, at that point I thought that I would do,
20 be an illustrator. And Utah State had a good -- they
21 had a really good program because they would have art
22 directors from Los Angeles do the assignments and then
23 come up and critique them.
24 Q. All right. You wouldn't have happened to have
25 known a guy named Clint Taylor; would you?

1 A. No.
2 Q. He's a cousin. He draws Spider Man. So, I'm
3 pretty sure he went through Utah State.
4 And what did you end up graduating with?
5 A. Sociology. I took a sociology class and fell
6 in love with juvenile delinquency and so I ended up
7 getting my degree in sociology.
8 Q. Is that a B.S. or a B.A.?
9 A. It's a B.A. Of course, with all of the art
10 background it was --
11 Q. Right. And what did you do next after you
12 graduated?
13 A. After I graduated I worked for the -- well, I
14 still worked in the flower shop because I worked
15 throughout my -- when I was at Boise State I always
16 worked at the flower shop. And then when I graduated I
17 started -- I was a research analyst for the Capital For
18 a Day project, which was just providing the Governor and
19 all of his staff with research about the communities
20 that he was going into.
21 Q. All right.
22 A. Until '81, and then I started doing consulting
23 work in the juvenile justice field.
24 Q. So, that was 1979 to 1981?
25 A. 1980 to 1981 is when I did the Capital For a

1 Day.
2 Q. And what was Capital For a Day?
3 A. The Governor would go to a county or go to a
4 community and claim it Capital For a Day. He would
5 start in the morning with breakfast and then meet with
6 folks all throughout the day to just talk about what
7 their issues were and concerns.
8 Q. And what Governor was that?
9 A. Evans.
10 Q. How did you get that job?
11 A. I applied for it.
12 Q. What kind of research did you do?
13 A. Things like what the main economy of a county
14 was and what the concerns were over the last year, what
15 some of the concerns the county had over issues that
16 possibly the Governor could deal with.
17 Q. Sort of advance briefing work for the
18 Governor?
19 A. Yes.
20 Q. So, he talks about potatoes in potato counties
21 and timber in timber counties?
22 A. Right, what the issues of the senior citizens
23 were, different things like that.
24 Q. And why did you leave that job?
25 A. I left that job because my supervisor said

1 some negative things about me and I didn't think that it
2 was appropriate for me to continue with it, so I left
3 it. And when I told the Governor I had to leave -- I
4 didn't tell him why I was leaving, I just said that I
5 was leaving and going back to the flower shop. And it
6 came out a couple of months later that that's
7 actually -- that actually, that supervisor was saying
8 negative things about other people too.
9 So, then, they -- because my interest was in
10 juvenile justice anyway, then they allowed me to start
11 doing some consulting work with compliance monitoring,
12 things like that.
13 Q. What were the negative sorts of things that
14 the supervisor was saying?
15 A. You know, I -- I can't really remember because
16 I just put it all out of my mind. But then the director
17 of the Department of Health and Welfare came back later
18 and said, "You know, he was saying some negative things
19 about me too. I realize now that you were telling the
20 truth."
21 Q. Just sort of hypercritical things?
22 A. Made-up things. You know, like I said, I
23 really can't remember because I just blocked all of
24 that, but just things that when I -- what I do remember
25 is telling the Governor that, "It's in my best interest

1 and your best interest for me to leave." So, that's
2 what I did.
3 Q. That's too bad.
4 A. And then when I was doing the consulting work
5 with the -- to do compliance monitoring, looking at
6 jails and different things that were holding kids, I was
7 also working in a residential treatment facility that
8 had a teenage girl in it. And then I also ran the --
9 during that time I quit working for them when the
10 Alcoholism Council needed someone to be the executive
11 director. So, I became the executive director of the
12 Alcoholism Council because they were doing a lot of
13 stuff for kids and really pushing prevention of kids
14 using drugs and alcohol, so --
15 Q. Stepping back to when you left the Capital For
16 a Day program, where did you start working next? Was
17 that Health and Welfare?
18 A. No, I've never worked for Health and Welfare.
19 Q. I'm sorry, I must have misunderstood.
20 A. No, I worked back at the flower shop.
21 Q. Okay. And then you mentioned consulting.
22 A. Consulting with -- at that time the funding
23 from the Office of Juvenile Justice and Delinquency
24 Prevention was through the Governor's office, and so I
25 did the compliance monitoring for that through the

1 Governor's office.
2 Q. And how did that opportunity come about?
3 A. Because their compliance monitor -- well, it
4 came about because their compliance monitor didn't want
5 to go on the roads in November because the roads were
6 bad. So, they asked me if I wanted to and I said,
7 "Sure, I grew up in snow." So, I was out doing
8 compliance monitoring in between Thanksgiving and
9 Christmas because it had to be in by December 31.
10 Q. And that opportunity came your way because you
11 were already acquainted with people in the Governor's
12 office; is that fair?
13 A. Yes.
14 Q. So, did that make you a state employee or --
15 A. No, I was just a consultant.
16 Q. All right. Paid as an independent contractor?
17 A. Mm-hmm. Yes. I'm sorry. So, at that time I
18 was a consultant doing compliance monitoring and I was
19 an employee of the Alcoholism Council and doing some
20 other consulting on the side with a group called Daley &
21 Associates.
22 Q. And the Alcoholism Council, is that a state
23 agency?
24 A. No, it was a private nonprofit.
25 Q. And what was your role there?

1 A. Well, we rolled the compliance monitoring into
2 Daley & Associates where I would monitor jails for
3 compliance with the Juvenile Justice and Delinquency
4 Prevention Act, look at the number of kids that were
5 securely held in jails and, you know, go around the
6 state and look at that.
7 Q. All right. And by "jails," was this prior to
8 the system of detention centers and juvenile corrections
9 centers?
10 A. Yes, it was.
11 Q. Was there any kind of an organized system as
12 to how jails were established in the juvenile context at
13 that time, like a legal structure from the legislature
14 or anything like that?
15 A. The legal structure was that we were
16 participating in the Juvenile Justice and Delinquency
17 Prevention Act, which meant that juveniles could not be
18 securely detained in detention facilities if they were
19 just arrested for status offenses or if they were in
20 jails. Because at that time it was just if they were in
21 jails they had to be sight and sound separated from
22 adults.
23 Q. And what time frame are we at at this point
24 when you're working for Daley & Associates?
25 A. Probably 1982. I don't know exactly when that

1 A. Executive director.
2 Q. In your consultant role did you have a
3 business entity or anything like that or was it just
4 you?
5 A. Well, it rolled into Daley & Associates after
6 a bit, but at first it was just me.
7 Q. And then what did Daley & Associates do?
8 A. We did things like work with the Idaho
9 Prosecuting Attorney's Association to plan their
10 meetings and audit jails and different things like that
11 for them.
12 Q. If you could describe the business, how would
13 you describe it?
14 A. It was three or four women, depending upon the
15 year, with Karen Daley was the principal in it. And as
16 she had work that needed to be done, she would contact
17 us to come in and help her with the work that she had on
18 her plate. And depending upon who had time or, you
19 know, whatever, we would just help her with that.
20 Q. All right. And what was her background as far
21 as you recall?
22 A. She -- prior to that she was a presentence
23 investigator.
24 Q. And what was it that you did there
25 specifically?

1 was because there was a mixture in there, but through
2 1986.
3 Q. And what did you do next?
4 A. In 1986 I was offered the job to be the --
5 what it was called is the juvenile justice specialist to
6 manage the Juvenile Justice and Delinquency Prevention
7 Act funds.
8 Q. And who offered you that position?
9 A. Governor Andrus.
10 Q. And how was it that that opportunity came to
11 you?
12 A. Because I had already been working with them.
13 I had already done a lot of the consulting and I had
14 started -- in 1983 we developed regional councils so
15 that we had councils in all seven of the regions,
16 Department of Health and Welfare regions at that time.
17 We went with Health and Welfare regions. And I helped
18 develop those and then I helped monitor all of the
19 grants that came through the Juvenile Justice and
20 Delinquency Prevention funds.
21 Q. Is it correct to say that at this point in
22 time, 1986, the Department of Health and Welfare was
23 still operating the juvenile justice system in Idaho?
24 A. They were -- yes. Not the part that I was
25 part of, but yes, they were operating the facilities.

1 Well, St. Anthony was the only facility.
2 Q. All right. And how long did you do that, the
3 juvenile justice specialist, was it?
4 A. I did that until I applied for the same
5 position when the Juvenile Corrections Act was created
6 in 1995.
7 Q. So, 1986 to 1995?
8 A. Yes.
9 Q. And is it correct to say that the Juvenile
10 Corrections Act established the Department of Juvenile
11 Corrections as a separate entity?
12 A. Yes, it did. And what we wanted was, when the
13 Juvenile Corrections Act was created we wanted one
14 system for kids in the state. So, prior to that time we
15 had the Office for Children that was operating. I was
16 the JJ specialist under the Office for Children and we
17 had juvenile justice in the Department of Health and
18 Welfare. And it was important that we have one entity
19 that really dealt with juvenile justice in the state.
20 So, the Office for Children was abolished in an
21 executive order and the funding from the federal
22 government was moved over to the Department of Juvenile
23 Corrections.
24 Q. And when you say "we" wanted that sort of
25 thing to happen, who are you talking about?

1 A. All of the people that wanted the juvenile
2 justice system changed for the betterment of kids.
3 Q. All right.
4 A. So, all of the people that testified to the
5 legislature, the people that helped write the Juvenile
6 Corrections Act, and all of the folks that worked toward
7 changing the system.
8 Q. All right. And did you testify?
9 A. Yes, I did.
10 Q. And you mean you testified in the legislature?
11 A. Yes, I did.
12 Q. Did you help draft the Juvenile Corrections
13 Act?
14 A. I provided input into the Juvenile Corrections
15 Act. The person that drafted it was a consultant that
16 the legislators hired. His name was Jeff Nolan.
17 Q. And what was the input that you provided?
18 A. Well -- boy, there's -- part of the input was
19 to really base it on the balance and restorative justice
20 model, which is a model that talks about holding kids
21 accountable but also giving them the competencies and
22 providing community protection. We actually worked to
23 help Mr. Nolan understand that whole concept. And the
24 Juvenile Corrections Act is based on the balanced
25 approach model.

1 I also testified that we needed an information
2 system, that to me if we were going to hold the kids
3 accountable we also had to hold the system accountable
4 and we could only do that if we had a statewide
5 information system. And I testified about the
6 importance of the partnership with the communities and
7 the state entity that was working with the kids.
8 Q. Is there any other model other than the
9 balance and restorative justice model or is that sort of
10 a new way of thinking about it?
11 A. I'm sure there is. You know, a lot of states
12 have adopted that model.
13 Q. Is that set out somewhere in an academic paper
14 or position papers?
15 A. There is a lot of research on it, yes.
16 Q. All right.
17 A. At that point in the mid '80's there was the
18 national juvenile -- the first journal article was, the
19 national juvenile and family court judges wrote an
20 article on it and then it just evolved from there. But
21 it wasn't just me that talked about the balance and
22 approach model. There were judges that talked about it
23 and legislators had researched it too, so please don't
24 think that it was just me that pushed that model.
25 Q. All right. And the information system that

1 you testified about, did that turn into what's known as
2 IJOS or something else?
3 A. IJOS. Yes, it was IJOS.
4 Q. And what does IJOS stand for?
5 A. Idaho Juvenile Offender System.
6 Q. And who administers that system?
7 A. Well, it's our IT department, but Mike Seifrit
8 is in charge of that department.
9 Q. And what kind of information is recorded in
10 IJOS?
11 A. Case management, movement of the kids, pretty
12 much, you know, the -- it's based actually, if you look
13 at the system there's a community protection,
14 accountability, and competency development system within
15 IJOS, but it's our system. The more the system evolves
16 the stronger the system becomes and the more information
17 is put in it.
18 Q. Do the courts access that system, the juvenile
19 courts, or are reports generated for the courts from
20 that system?
21 A. You know, I don't know the answer to that.
22 Q. And so, that takes us up to -- I think we left
23 off at 1995 and you said you reapplied; is that right?
24 A. Yes. In the meantime I did in there, I did
25 get my Master's degree in Counseling. So, I actually

1 graduated from the College of Idaho in '93 with my
2 Master's in Counseling, so as far as the educational
3 background.
4 Q. And what kind of degree was that?
5 A. A Master's of Education, community counseling
6 emphasis.
7 Q. And did you become licensed as a counselor?
8 A. Yes.
9 Q. What was that license?
10 A. Licensed professional counselor.
11 Q. And have you kept that current?
12 A. Yes, I have.
13 Q. So, you had indicated earlier that you had
14 reapplied?
15 A. Yes, I did.
16 Q. And you reapplied for the same position you
17 were already holding?
18 A. Yes, I did.
19 Q. And was everybody required to go through the
20 reapplication process?
21 A. Only -- well, I don't -- yes, because it was a
22 new department. So, if we -- anybody that wanted a new
23 position in the Department had to apply.
24 Q. All right. And were you rehired for the same
25 position?

1 Director. So, it would have been probably 2004, 2005.
2 Q. And Larry Callicutt?
3 A. Yes. Or 2006 maybe. Somewhere around there
4 is when I became the COPS administrator.
5 Q. And in your role as the grants and programs
6 manager, what did you do?
7 A. I was responsible for the federal funds,
8 writing the annual grant applications, statewide plans,
9 working with counties to -- you know, because most of
10 our funds were passed through to local units of
11 government or counties, private nonprofits.
12 Q. And did you interface with the OJJDP in that
13 role?
14 A. Mm-hmm.
15 MR. COLLAER: You have to answer audibly.
16 THE WITNESS: Yes, those were the funds that
17 we were administering.
18 Q. (BY MR. SCHOPPE) So, it was like federal
19 block grants and things like that or something else?
20 A. When I started there was just the formula
21 grant, which was the -- it's called Title 2. Then there
22 were challenge grants that challenged us to improve the
23 juvenile justice systems. And we used a lot of that
24 money -- we used that money to start after-care
25 programs. We used that money to develop our first risk

1 A. The title changed to socioeconomic planner.
2 Don't ask me how it got to that title. But since I was
3 doing the statewide plan, I think they determined that
4 that was the best -- that was the best position that it
5 fit into.
6 Q. And who was your supervisor when you were
7 rehired?
8 A. At first my supervisor was the Director, who
9 was Michael Johnson.
10 Q. And that changed at some point?
11 A. And that changed to the administrative
12 services administrator, our chief fiscal officer, Tony
13 Meatte.
14 Q. And when did that change happen in
15 supervisors?
16 A. We kind of restructured. I can't remember.
17 By that point Brent Reinke was the Director and I
18 can't -- I can't remember exactly what year that was.
19 Q. That's all right. And how long did you hold
20 that position, socioeconomic planner?
21 A. I think we -- I don't know. It changed a
22 couple of times. And then I think I became a grants
23 contracts officer or something like that. It evolved.
24 And I actually held that position until I became the
25 COPS administrator, which was in -- Larry was the

1 assessment, the Idaho risk assessment instrument. And
2 then the next funding was Title 5 funding, which was
3 prevention. It was comprehensive prevention funding so
4 that it would allow communities to develop a
5 comprehensive plan to prevent kids from coming into the
6 juvenile justice system.
7 And then the federal act was ready to be
8 reauthorized, this is '97, '98, and it couldn't get
9 reauthorized for a variety of reasons. It's a difficult
10 act to get reauthorized. And so, the appropriations
11 committee funded some money called the juvenile
12 accountability block grant. There wasn't authorizing
13 language but there was funding. It was a big pot of
14 money, \$2.1 million when it started. It's down to -- I
15 think the last time I looked it's \$300,000 or something
16 like that.
17 That \$2.1 million we started getting I think
18 in '97, '98. The requirements on that were there was an
19 allocation. And so, most of that money went out to
20 local units of government. We could keep -- the way the
21 language worked is if in the population, if a county --
22 if a county was to receive less than \$10,000, then we
23 could keep it at the state and do something at the state
24 with that funding. If it was more than \$10,000, the
25 county or a city, depending upon their population. So,

1 in the days when we were getting \$2.1 million, there
2 were several cities that received funding and all of the
3 counties. But as the money started dwindling, we kept
4 giving it to the counties.

5 So, it allowed us to keep 5 percent for
6 administrative purposes and then we could keep the other
7 money that was less than \$10,000. But we didn't --
8 because of the structure of our system, it's really
9 important that counties get as much money as they can to
10 keep as many kids in the community as possible. So, we
11 gave most of that money, we passed most of that money
12 through to -- you know, we still used the allocation,
13 the population allocation. When it got down to \$7,500,
14 we still gave all counties \$7,500.

15 And so, we've tried to use that money as much
16 as we can to pass it through. And I believe that now
17 all -- most all of it has passed through. We keep, you
18 know, the 5 percent. It's an interesting appropriation.
19 Because of all of the federal funds, this is the one
20 that you actually get the money up front. And so, we
21 were able to use the interest, which \$2.1 million can
22 create a lot of interest. And so, we were able to use
23 that interest for the juvenile justice system too.

24 We at first used that funding to help develop
25 regional children's mental health councils. The first

1 separation -- at the first, sight and sound separation,
2 eventually removal of kids from adult jails. But when
3 it first started it had the two requirements and today
4 there are four requirements.

5 But the formula grant is based on population
6 of the state. And so, what each state -- there's an
7 allocation that goes out and the state writes a
8 three-year plan based on what the crime analysis says
9 and, you know, what your juvenile justice needs are.
10 But the allocation is determined prior to -- we've
11 always been a minimum state. So, we get the minimum
12 amount.

13 Q. And I understand that you moved on to become a
14 COPS administrator?

15 A. Mm-hmm. Yes.

16 Q. Sorry. It's hard, I know. What was your role
17 there?

18 A. At that point, then, I administered the
19 grants, that section, and then also the POST and the
20 district liaisons. There's a district liaison in all of
21 our districts that works the liaison between the
22 counties and the state. And quality improvement.

23 Q. What did COPS stand for?

24 A. Community Operations and Program Services.

25 Q. And how long did you do that job?

1 year that's what we used the money for. They did not
2 provide good outcome information with that. And so, the
3 second year we pulled that money in-house and used that,
4 have used that from then on to fund POST, the police
5 officers -- or Peace Officers Standards and Training.

6 And that has been what we've used to fund both
7 the probation officers and also the detention officers
8 to do their training. And now our direct care staff are
9 also POST certified. That's how we got that whole thing
10 started was through that JAIBG money and the interest
11 that we had, Juvenile Accountability Incentive Block
12 Grant funds. But as far as a block grant, that's the
13 block grant funding.

14 Q. What was the federal act that you referred to?

15 A. Juvenile Justice and Delinquency Prevention
16 Act.

17 Q. And then the Title 2 grants, what were --

18 A. That's the formula. Those were the formula
19 grants through the Juvenile Justice and Delinquency
20 Prevention Act.

21 Q. What do they mean by "formula grants"?

22 A. What that means is that each state that
23 chooses to participate in the act agrees to look at the
24 number of kids that are securely detained in detention
25 facilities for status offenses and also sight and sound

1 A. Until I became the Director.

2 Q. And what year was it that you left? Was that
3 2009?

4 A. Yes, it is. It was 2009.

5 Q. So, then, you were COPS administrator from
6 what year to what year?

7 A. Probably 2007 to 2009.

8 Q. And how did the opportunity to become the
9 Director arise?

10 A. Director Callicutt was retiring. And so,
11 there were several of us that applied.

12 Q. Do you know who else applied?

13 A. Yes, I do. Well, I don't know all of the
14 people that applied, but I know that Kevin Bernatz
15 applied and Bill Lasley applied and Steve Jett, who runs
16 the detention facility in Canyon County.

17 Q. Is it Steve Lasley; is that right?

18 A. Bill Lasley, Steve Jett.

19 Q. Sorry. Okay. And was this an appointment
20 process or was it a -- how did you go about applying for
21 the job?

22 A. Yes, it's an appointment process because
23 it's -- my boss is the Governor.

24 Q. All right. And did you interview with him?

25 A. Yes, I did. I interviewed with his director

1 of the Department of Administration first. I think he
2 narrowed it down and then I interviewed with the
3 Governor.
4 Q. And who was that Department of Administration
5 director?
6 A. Michael Gwartney.
7 Q. And we're talking about Governor Otter; right?
8 A. Yes.
9 Q. Do you know why Director Callicutt retired?
10 A. His wife was having some health problems and
11 he had had some health problems.
12 Q. As COPS administrator, who did you report to
13 within the Department?
14 A. Director Callicutt.
15 Q. Apart from the Master's in Counseling that you
16 indicated that you have and your LPC, is it, licensed
17 professional counselor?
18 A. Yes.
19 Q. Do you have any other sort of certifications
20 or anything like that?
21 A. I was a certified alcohol drug counselor. I
22 did let that certification lapse. No other
23 certifications.
24 Q. And when was it that you were certified for
25 that?

1 A. I'm sorry?
2 Q. Were you just a member of the group or what
3 did you do?
4 A. Yes, I was a member of the group. Then I
5 became the regional rep for the western region after
6 about a year, I think.
7 Q. And did you join when you became the Director;
8 is that right?
9 A. Yes.
10 Q. And how long did you serve as the regional
11 representative?
12 A. You know, it might have been a couple of years
13 into it, but then -- I served as the regional rep and
14 then I became the secretary of the board. So, I think I
15 was the regional rep for maybe a year and then I became
16 the secretary of the board.
17 Q. And do you still hold that position?
18 A. No, I'm the vice president now.
19 Q. Vice president for anything in particular
20 or --
21 A. Just vice president of CJCA.
22 Q. And what are your duties as the vice
23 president?
24 A. We have regular executive board meetings. If
25 the president is not available, then I run the meeting.

1 A. The early '80's.
2 Q. Are you POST or AUF certified?
3 A. No, I'm not.
4 Q. Any other kinds of trainings or certifications
5 like that within the context of Juvenile Corrections?
6 A. I go to trainings on a regular basis, but no
7 certifications.
8 Q. So, you might attend like AUF trainings, for
9 example?
10 A. I have attended an AUF training, but I am far
11 from certified.
12 Q. I understand you're also affiliated with the
13 CJCA, Council For Juvenile Corrections Administrators?
14 A. Yes, I am.
15 Q. And when did you first begin your association
16 there?
17 A. Director Callicutt, when I was appointed the
18 director, he told me that I needed to get in contact
19 with those folks, gave me some names of the people that
20 had been helpful to him as far as directors. And they
21 have a pretty good network. They had contacted me
22 within I think a couple of weeks, two or three weeks.
23 Q. And was Director Callicutt part of that group?
24 A. Yes, he was.
25 Q. And what was your role in the group?

1 That's never happened, but -- we review -- we did a
2 sustainability -- we contracted with a consultant to do
3 a sustainability plan and the executive board members
4 did a lot of work to figure out what our next steps were
5 for for CJCA.
6 Q. What do you mean by "sustainability plan"?
7 A. Because CJCA is a private nonprofit and just
8 figuring out what we can do to keep the association
9 running. Grants, you know, different things like that.
10 Q. Do you know what IRS code section it's
11 organized under, like a 501(c)(3) versus something else?
12 A. I think it's 501(c)(3), but that's a guess,
13 Andrew.
14 Q. That's all right, just whatever you think. I
15 won't hold you to that. What does CJCA do?
16 A. What is CJCA to me?
17 Q. What does CJCA do?
18 A. CJCA is really a -- provides an opportunity
19 for directors to get together and talk about what's the
20 best -- the best way for us to improve conditions of
21 confinement for kids and, you know, how to deal with the
22 everyday in's and out's of being a director of a
23 statewide department. It's a support system.
24 Q. And does that group have an affiliation with
25 the Office of Juvenile Justice and Delinquency

1 Prevention?

2 A. They do get some grants. That's part of the
3 problem with the sustainability. Right now they are a
4 partner with a grant that's called the National Youth in
5 Custody grant and they're partners with the National
6 Juvenile Detention Group. But we just found out that
7 that group, the other group won the second year of that.
8 So, when this one -- I think we will get a no-cost
9 extension on this grant and then we will not have any
10 funds from OJJDP, I don't believe.

11 Q. What's the other group? The National --

12 A. It's the National Partnership For Juvenile
13 Services, NPJS.

14 Q. And is that sort of an alternative
15 organization to the CJCA or do they do the same sorts of
16 things?

17 A. It's primarily for detention administrators.
18 It's more of -- there's the directors of state agencies
19 and then there's the directors of all of the detention
20 facilities. And the NPJS is an organization that works
21 a lot with the detention facilities.

22 Q. As far as you know, do they work with
23 detention facilities here in Idaho?

24 A. Yes.

25 Q. Is it fair to say that detention facilities

1 There are some detention facilities that use
2 Performance-based Standards. And there are a series of
3 standards that are looked at twice a year, October and
4 April.

5 Q. And when you say "looked at," what do you
6 mean?

7 A. It's an in-depth, lots of staff put
8 information in, and then as a result of the data that
9 goes in to the national, all of the data is inputted
10 into the national data bank and then the reports are
11 sent back. We have a coach that comes out and talks
12 with our facilities, discusses what needs to be done to
13 develop performance improvement plans or facility
14 improvement plans, FIPs, to improve our conditions of
15 confinement.

16 Q. So, April and October are the reporting
17 periods?

18 A. Yes.

19 Q. And then what happens with the data that is
20 submitted? That goes back to CJCA; is that right?

21 A. No, it goes to Performance-based Standards.
22 They're separate organizations.

23 Q. Okay.

24 A. So, it goes back to PbS.

25 Q. All right.

1 are for temporary holding of juveniles?

2 A. Yes.

3 Q. Broadly speaking?

4 A. Broadly speaking.

5 Q. And are those as far as you know governed by
6 the Juvenile Corrections Act?

7 A. Yes.

8 Q. And also by IDAPA?

9 A. Yes.

10 Q. And is that the IDAPA 5 -- is it 5.01
11 something, that series?

12 A. I can't tell you the exact series. There is
13 the IDAPA rules for contract providers, there's the
14 IDAPA rules for detention facilities, and there are also
15 IDAPA rules for probation officers.

16 Q. And I understand that, and correct me if I'm
17 wrong, is it CJCA that developed the Performance-based
18 Standards?

19 A. Yes, they did.

20 Q. And tell me about those. What are those and
21 what are they for?

22 A. They're really to improve conditions of
23 confinement in facilities. They can be -- the
24 Performance-based Standards can be for correctional
25 institutions, they can also be for detention facilities.

1 A. And PbS then, it's their data bank. They
2 compile the information and send back the reports to
3 our -- for us. You know, we have a PbS coordinator and
4 then we have PbS coordinators in each of -- we have a
5 statewide PbS coordinator and a PbS coordinator in all
6 three of our facilities.

7 Q. And who is PbS? Is this another nonprofit or
8 something like that?

9 A. I -- yes. I don't know if they're nonprofit
10 or not, but they are -- it's an agency. It's a
11 Performance-based Standards group.

12 Q. A private group as far as you know?

13 A. Yes, they used to be a part of CJCA, but they
14 split before I became really involved in CJCA.

15 Q. As far as you know, do they have an
16 affiliation with OJJDP?

17 A. OJJDP is the organization that funded the
18 first part of -- I mean, they're the ones that
19 started -- provided the funding to start PbS. I do know
20 that.

21 Q. Do you know if they're still involved with
22 them?

23 A. No, it's self-sustaining.

24 Q. What kinds of data are reported at those
25 reporting periods in April and October?

1 A. Safety and security data, health, education.
2 There's reporting on reintegration information now and,
3 just starting, family engagement information.
4 Q. And how is the data collected?
5 A. Staff put the input in, the incident reports,
6 all of that stuff is submitted to PbS.
7 Q. So, is it fair to say that someone like the
8 PbS coordinator reviews the IJOS data, incident reports,
9 that sort of thing, compiles the appropriate data, and
10 passes that along?
11 A. Puts it in -- you know, that's my
12 understanding. As far as actually walking through how
13 that's done, I've never sat down with them and saw from
14 the beginning to the end because it's been -- it's been
15 running pretty smoothly. So, you know, I haven't had
16 the need to see if there's something that's not working.
17 Q. How was it that that -- was that a system that
18 was in place when you became the Director?
19 A. Yes.
20 Q. And who trains the PbS coordinators to do
21 their jobs?
22 A. The statewide PbS coordinator trains them.
23 The statewide PbS coordinator trains them, and the
24 statewide PbS coordinator goes to training back with the
25 national PbS folks. And then we have, as I mentioned

1 earlier, we have a coach that comes out to work with
2 staff from PbS.
3 Q. And who is the statewide coordinator now?
4 A. The statewide coordinator now is Jessica
5 Moncada.
6 Q. M-o-n-c-a-d-a?
7 A. Yes, I believe so. I'm pretty sure that's how
8 you spell her last name.
9 Q. And has she been the PbS coordinator
10 throughout your tenure as Director?
11 A. No, she has not. Prior to her it was Deborah
12 Day.
13 Q. And how long did Ms. Day do that?
14 A. Ms. Day became the PbS coordinator -- our
15 first PbS coordinator was Frank Riley and Frank was
16 the -- he was the PbS coordinator and then he became the
17 COPS administrator. When he became the COPS
18 administrator he continued with PbS coordination for a
19 bit, and then Deborah Day applied for and got that
20 position.
21 Q. Is she still with the Department?
22 A. No, she's retired.
23 Q. And who does the statewide PbS coordinator
24 report to?
25 A. The quality improvement director.

1 Q. And who is that now?
2 A. Now that is Monty Prow, P-r-o-w.
3 Q. And that's who Ms. Moncada reports to?
4 A. Yes.
5 Q. Was that who Ms. Day reported to?
6 A. No, Ms. Day reported to Frank Riley.
7 Q. All right. And when you said that Frank Riley
8 was "our first PbS coordinator," do you mean the
9 Department's first or --
10 A. Yes. When the Department adopted the PbS
11 standards, he was the first PbS coordinator.
12 Q. All right. And who did he report to, if you
13 know?
14 A. Back at the beginning he reported to Brent
15 Reinke, our Director.
16 Q. After the PbS data is reported in and reports
17 come back or -- did I understand you to say it was
18 analysis or audits or what comes back from PbS?
19 A. The data.
20 Q. And is that in a report form or an audit or --
21 A. It's in a report form. You can -- people that
22 are responsible for it can go in and look at all of the
23 standards and all of the reports. And then usually the
24 critical ones, especially the ones that are related to
25 the facility improvement plans, the PbS coordinator

1 pulls together that data.
2 We've changed that a little bit in that I've
3 asked the PbS coordinator to report quarterly to the
4 leadership team, whether it's safety and security or
5 health or -- you know, something that would be of
6 interest to all of the leadership team on a regular
7 basis.
8 Q. And how is the information then used for -- is
9 it just an internal process to determine what should be
10 done next in terms of programs or facilities?
11 A. Pretty much that's what it's used for. It's a
12 conditions of confinement, to improve the conditions of
13 confinement in each of the facilities.
14 Q. Is the data that's collected for PbS the same
15 data that gets reported to -- you're familiar with the
16 DCTAT system?
17 A. Yes, I am familiar with that. No, those two
18 don't relate to each other at all.
19 Q. What kind of data goes into a DCTAT report?
20 A. That's the Data Collection Technical
21 Assistance and Training, and that is the OJJDP funds.
22 So, those grants that we talked about earlier, the
23 formula, enforcing underage drinking, Title 5, the
24 prevention funds, all of that information is plugged
25 into the DCTAT.

1 Q. And who is responsible for that?
2 A. The person that inputs that data is Lisa
3 Stoner.
4 Q. All right.
5 MR. COLLAER: Counsel, it's been over an hour.
6 Is this an appropriate place to break?
7 MR. SCHOPPE: Sure, that's okay.
8 (Recess held.)
9 Q. (BY MR. SCHOPPE) Back on the record. I'm not
10 sure if you told me before. Who is it that's
11 responsible for reporting data through the DCTAT system?
12 A. Lisa Stoner.
13 Q. That's right. I'm sorry, I couldn't find her
14 name written down. And do you call it "Dictat" or
15 anything like that? That's what I would do. Something
16 like "Dictator" or something like that?
17 A. No, DCTAT is what they usually say when
18 they're reporting it.
19 Q. Thank you. With respect to PbS data or
20 reports, are those used in any way to obtain funding
21 from either the state or federal government?
22 A. No.
23 Q. And is it fair to say that DCTAT data is used
24 to obtain funding from the federal government?
25 A. I wouldn't necessarily say that. That is used

1 different things like that, depending upon the funding
2 stream. Because there are so many different funding
3 streams, the data that's for each of those funding
4 streams really relates to the funding stream.
5 Q. What kind of funding streams are there?
6 A. So, for instance, the enforcing underage
7 drinking laws. So, what that is is to help communities
8 enforce the underage drinking laws to reduce kids from
9 drinking. Part of that money is used for law
10 enforcement to -- so, part of it is used for overtime so
11 that if they bust a kegger or something like that, you
12 know, how many hours of overtime was used?
13 If it's the prevention money, then it's
14 whatever the -- so, for now, right now the prevention
15 dollars are going to Kamiah, which is a community up
16 north, if you don't know where Kamiah is. So, it's what
17 are they doing with that money up there?
18 Q. Do the same sorts of things that are in the
19 IJOS system, like incident reports, things like that,
20 factor into DCTAT data?
21 A. No, DCTAT is primarily community based. It's
22 for programs that we're funding out in the community.
23 Q. Since you were appointed as Director of the
24 Department, have you made any changes in the criteria,
25 what sorts of things make it into the PbS data set that

1 to report how the funding is used, not necessarily to
2 obtain funding. So, for instance, if a grant is saying
3 that they're going to use the money to provide services
4 to kids, how many kids were served?
5 Q. With respect to PbS data, is that used in the
6 same way, to report to the federal or state government
7 how funds are being used?
8 A. No.
9 Q. Is PbS data used to obtain funding of any kind
10 from any source?
11 A. No.
12 Q. Does that include for staff positions or
13 facility improvements or anything like that?
14 A. It's used to help us with conditions of
15 confinement. We report on what the data says to -- you
16 know, we use it in our reports to the legislature, but
17 it's not as a leverage, it's to just report what the
18 numbers say.
19 Q. Is that reported to the federal government in
20 any way?
21 A. No.
22 Q. With respect to the DCTAT data, what sorts of
23 things are reported through that system?
24 A. Like I said earlier, it's number of kids
25 getting services, number of meetings being held,

1 gets reported?
2 A. That's all determined. I don't have any say
3 over that.
4 Q. All right.
5 A. That's all part of the Performance-based
6 Standards from the PbS nationally.
7 Q. All right. Again, since you took over as
8 Director, have you made any changes in the way that
9 suicide precaution levels are reported or recorded?
10 A. We have been working on getting a statewide
11 suicide policy and procedure so that all three
12 facilities are working under the same suicide policy and
13 procedure. That's the change, that we just made sure
14 that everyone is working with the same policy and
15 procedure.
16 Q. Is there a particular procedure that you're
17 adopting, like one facility's is better than another's
18 or anything like that?
19 A. We combined all three to come up with the
20 best.
21 Q. And when was that?
22 A. When was that? I think it's finally been
23 adopted this last year. It took a bit to get them all
24 combined, but I can't tell you exactly.
25 Q. Again, since you took over as Director, have

1 there been any changes made to the way in which
2 recidivism is measured?
3 A. No.
4 Q. Is there a particular standard that's been in
5 place since before you came onboard?
6 A. Since before I came on, the standard is
7 recidivism is a new conviction of a crime within a year.
8 Q. Is that a new conviction of any crime or a
9 different crime?
10 A. A new conviction of a new crime.
11 Q. Okay.
12 A. So, not a status offense, not a probation
13 violation, but a new crime.
14 Q. How about a new conviction for the same crime
15 that the juvenile might have been in for the first time
16 around?
17 A. If they committed the same crime again, then
18 that would be a new crime. So, if they committed a
19 burglary -- if they burglarized a house and they were
20 out and then when they were out in the community they
21 burglarized another house, then yes, that would be --
22 you know, they recidivated.
23 Q. And that gets recorded in IJOS; is that right?
24 A. That's recorded in our recidivism data. So,
25 if the county is part of IJOS, then possibly, but

1 it's -- you know, there's some counties that aren't part
2 of IJOS. And then if the kid turns 18 and he commits a
3 crime, then he's part of the adult system. Then it
4 still goes into our system where we're recording it.
5 We're recording it on the Director's Dashboard.
6 Q. Are you aware of any instance in which it
7 might be appropriate to record a suicide prevention
8 level, a suicide precaution level of 1, 2, or 3 at a
9 lower level than -- I'm sorry, this is turning out to be
10 a terrible question. So, let me start over.
11 Are you familiar with the suicide precaution
12 system?
13 A. Yes.
14 Q. Can you just briefly describe that for me?
15 A. There are three different levels of suicides.
16 Level 1 is just observation -- I mean regular
17 observations. 2 is observations with checks every ten
18 minutes, and then -- not every ten minutes but, you
19 know, sporadically within ten minutes. And then level 3
20 is eyes on.
21 Q. All right. And who is it that makes the
22 determination as to what precaution level might be
23 appropriate for any given juvenile?
24 A. The suicide evaluator.
25 Q. Are you aware of any reason why a level like

1 1, 2, or 3 might be assigned or recorded, rather, in a
2 report when in fact a higher level might be called for?
3 MR. COLLAER: Object to the form, assumes
4 facts not in evidence, and calls for speculation.
5 Q. (BY MR. SCHOPPE) Would you like me to clarify
6 it a little more?
7 A. Yes, please.
8 Q. For example, if it's determined that a
9 juvenile requires eyes on top level supervision, is
10 there any reason why that would be recorded as a mid
11 level or lower level suicide precaution level on an
12 incident report or something like that?
13 A. No.
14 Q. Are you aware of whether that's ever happened?
15 A. Not to my knowledge.
16 Q. Since you've been the Director, has there been
17 any change made to the kinds of violent incidents
18 involving juveniles that are required to be reported?
19 A. Would you rephrase that question.
20 Q. Sure. Since you've been the Director, have
21 there been any changes made to the kinds of violent
22 incidents involving juveniles that are required to be
23 recorded in incident reports?
24 A. So, if I were to rephrase what you just asked
25 me, I think what you're asking me is: Have I changed

1 the way we report violent incidents in the system?
2 Q. Sure, we can start there.
3 A. No.
4 Q. Have you ever told anyone that more serious
5 incidents like a code red incident should be recorded as
6 a yellow or something like that?
7 A. No.
8 Q. Is that how incidents are graded, red, yellow?
9 A. Yes.
10 Q. Is there another level?
11 A. I just know of code red or code yellow.
12 Q. Are you aware of whether that has ever
13 occurred in any given violent incident?
14 A. Not to my knowledge.
15 Q. Have you had any legal training with respect
16 to the laws and policies that govern the operations of
17 the Department of Juvenile Corrections? For example,
18 PREA, CRIPA training, Health and Welfare, anything like
19 that?
20 A. Formal legal training? You know, every
21 meeting I go to we talk about CRIPA, PREA, IDAPA rules.
22 So, as far as formal legal training, no.
23 Q. All right. I don't mean like law school, I
24 mean in the sense of a seminar or some sort of
25 instructive course for employees in the Department.

1 A. Yes.
2 Q. Can you tell me about those.
3 A. We all went through a PREA training.
4 Q. And when you say "we all," is that the whole
5 department?
6 A. Every staff person is required to go through
7 PREA training.
8 Q. And when was that?
9 A. Within this last year.
10 Q. Is that an annual requirement?
11 A. I don't know if we determined that or not. We
12 get PREA training quite a bit.
13 Q. Had you had a similar training prior to this
14 year, this last year?
15 A. Well, we have been talking about PREA since it
16 was -- since the act was initiated and now that the
17 standards are there. So, there's been ongoing
18 discussion and informal training.
19 Q. When you say "we," who do you mean?
20 A. Leadership, directors from other states,
21 through the Idaho Association of County Juvenile Justice
22 Administrators. So, ongoing.
23 Q. And when was it, as far as you know, that PREA
24 was instituted?
25 A. The act was passed in 2003. The standards

1 were promulgated last year finally. We -- you know, so
2 we've been working on it since then.
3 Q. All right. Prior to those standards being
4 promulgated was there any other kind of set of standards
5 or guidelines that was sort of in between? Anything you
6 could refer to in determining whether something might be
7 a PREA incident or anything like that?
8 A. Well, the standards are that there will not be
9 sexual assault in facilities. So, you know, that's --
10 whether it was considered a PREA incident or a sexual
11 assault incident, you know, those are the standards.
12 Q. Are you aware of any sexual assaults between
13 juveniles and staff that have taken place within any
14 facility?
15 A. I am now. Julie McCormick.
16 Q. And what is it that you know about that?
17 A. I know that she admitted to having a sexual
18 relationship with one of our juveniles.
19 Q. And how is it that you're aware of that?
20 A. I'm aware of it because she admitted to it and
21 then there was an investigation done and -- there was an
22 investigation done from the Nampa Police Department at
23 the facility.
24 Q. To whom did she admit that to?
25 A. I believe she admitted it in court. I read

1 about it in the paper that she admitted to it.
2 Q. All right. Do you know if she admitted that
3 to anyone within the Department?
4 A. Not to my knowledge.
5 Q. And the juvenile in question was CY ; right?
6 A. Yes.
7 Q. Had you ever heard of any other reports or
8 even rumors of other sexual relationships or romantic
9 relationships between staff and juveniles?
10 A. There was one up in Lewiston early on when the
11 Department was -- when that facility was first built
12 that I knew of.
13 Q. All right. Do you know if that involved Devin
14 Keene Mercer?
15 A. Yes.
16 Q. How did you learn about that?
17 A. It was reported by the superintendent up
18 there.
19 Q. Who was that?
20 A. I believe it was David Bash at the time.
21 Q. You said "early on." Do you know when that
22 was?
23 A. It was right after that facility was built, so
24 2001 or 2002. It was right through there.
25 Q. All right. Do you know what happened after

1 that was reported?
2 A. No.
3 Q. Do you know if that was reported to the
4 Department of Health and Welfare?
5 A. I don't know any more about that. I just know
6 of that.
7 Q. Have you ever heard of a relationship between
8 Francine Diaz and Bryce Larsen?
9 A. Yes, I did hear of that relationship.
10 Q. What did you hear about that?
11 A. When did I hear about it?
12 Q. What did you hear about it?
13 A. What did I hear about it? I heard that they
14 were living together.
15 Q. And do you know when it was that you heard
16 about that?
17 A. Well, when they were living together. It
18 was -- I can't remember the year, but I was the Director
19 when I heard about it.
20 Q. So, sometime after, was it August of 2009 --
21 A. Yes.
22 Q. -- that you became Director?
23 A. Yes.
24 Q. And did you take any steps to investigate
25 that?

1 A. I looked into it. They were both adults and
2 it -- there wasn't any -- there weren't any steps to
3 take.
4 Q. Was there any concern that there might have
5 been an inappropriate relationship while Bryce was still
6 a juvenile?
7 A. I didn't hear of that.
8 Q. Who did you hear about it from?
9 A. Superintendent Grimm.
10 Q. What did she tell you about that?
11 A. She said that she had found out that they were
12 living together. She talked with Legal about it and
13 they were both adults, so it -- you know, it was --
14 there was nothing inappropriate.
15 Q. Is there a policy about staff fraternizing
16 with former juveniles?
17 A. Yes, but I don't know what the time frame is
18 with that. I don't know.
19 Q. You're not sure when that policy was enacted?
20 A. No. Well, I don't know what -- no, I don't
21 know when the policy was enacted and I don't know if
22 there's a time frame of -- for how long.
23 Q. A waiting period kind of thing?
24 A. Yeah.
25 Q. Do you know if anyone investigated whether

1 A. No.
2 Q. All right. And was Ashley in the custody of
3 the Department at the time?
4 A. Yes.
5 Q. And when was this?
6 A. I don't know the dates.
7 Q. Since you were the Director?
8 A. Since I was the Director, yes.
9 Q. And what, if anything, was done about that
10 situation?
11 A. Bryce was disciplined.
12 Q. How so?
13 A. He no longer works for us.
14 Q. Was he terminated?
15 A. He was -- yes. I don't remember the exact,
16 how that worked, but he -- I think he was given an
17 ultimatum.
18 Q. All right. Was there any suspicion that the
19 two had had a romantic or sexual relationship?
20 A. Not to my knowledge.
21 Q. As far as you know was Bryce a legal adult?
22 A. Yes.
23 Q. And as far as you know, was AH a minor?
24 A. I -- yes, I would assume she was.
25 Q. Was the incident or relationship reported to

1 that policy might have applied to the relationship?
2 A. I don't.
3 Q. Do you know who, if anyone, in the Department
4 looked into the nature of the relationship other than
5 Betty Grimm and Legal?
6 A. Those would have been the people that would
7 have been appropriate to do that.
8 Q. Are you aware of any disciplinary action of
9 any kind taken against Ms. Diaz?
10 A. No.
11 Q. Did anyone express any concern that she might
12 have developed a similar sort of relationship with other
13 juveniles?
14 A. Not to me.
15 Q. Did you have any concern about that?
16 A. No, I didn't really know Ms. Diaz.
17 Q. Did you ever hear about a relationship between
18 Bryce Larsen and AH, a juvenile?
19 A. Yes.
20 Q. What did you hear about that?
21 A. I heard about that when Superintendent Grimm
22 called me and told me that AH's mother had said that
23 he had been texting her.
24 Q. Did she say what the nature of those texts
25 were?

1 the Department of Health and Welfare?
2 A. I don't know the answer to that because I
3 don't know if there was a relationship.
4 Q. And was the matter reported to law
5 enforcement?
6 A. Again, I don't know the answer to that because
7 I don't believe there was a sexual relationship.
8 Q. Do you know if anyone investigated -- made an
9 investigation into whether there was a sexual
10 relationship?
11 A. I can't remember.
12 Q. Who would have been responsible for
13 investigating that?
14 A. If there was a belief, then we would have gone
15 through the regular process of asking Legal to do an
16 investigation -- or to begin an investigation.
17 Q. Did anyone have any reason to suspect that
18 there might have been a sexual relationship?
19 MR. COLLAER: Object to the form of the
20 question, calls for speculation.
21 Q. (BY MR. SCHOPPE) You can answer if you know.
22 A. I don't know.
23 Q. Were you concerned that there might have been
24 one?
25 A. You know, at the time with the information

1 that I had, no, I wasn't.
2 Q. Do you know what the reporting requirements
3 are for reporting child abuse and neglect to the
4 Department of Health and Welfare?
5 A. Yes.
6 Q. What are those requirements?
7 A. That if you believe that there is harm to self
8 or others or if, you know, someone is harming a child,
9 that you have to report that. The person that is
10 closest to the situation is required to report it.
11 Q. How about a suspicion or a concern? Is that
12 something that should be reported?
13 MR. COLLAER: Object to the form of the
14 question, calls for a legal conclusion.
15 Q. (BY MR. SCHOPPE) If you know.
16 MR. COLLAER: It's also inconsistent with the
17 statute.
18 THE WITNESS: I don't know.
19 Q. (BY MR. SCHOPPE) As a matter of Department
20 policy, should concerns or suspicions of those kinds of
21 relationships be reported to the Department of Health
22 and Welfare?
23 MR. COLLAER: Are you asking whether a policy
24 to that effect exists?
25 Q. (BY MR. SCHOPPE) As the Director, should that

1 be reported? Should staff report suspicions or concerns
2 about that?
3 A. Staff should follow the statute, which is if
4 there is a belief that there is -- I mean, if there
5 needs to be an investigation, we'll do the
6 investigation.
7 Q. Did anyone ever tell you that they believed
8 there had been a sexual relationship between Bryce and
9 AH ?
10 A. No.
11 Q. Do you know if anyone ever told anyone else in
12 the Department that they believed that there had been a
13 sexual relationship?
14 A. No.
15 Q. Was there an incident involving a sexual
16 relationship between Jennifer Watkins and a juvenile by
17 the name of JR in 2012?
18 A. There was discussion that there was, but to my
19 knowledge it wasn't validated.
20 Q. And when you say "discussion," what do you
21 mean?
22 A. It had come to my attention that there was a
23 report that there had been a sexual relation, but that
24 it was not validated.
25 Q. And who brought that to your attention?

1 A. I can't remember.
2 Q. As far as you can recall, it would have been
3 somebody at Lewiston, at the Lewiston facility?
4 A. No, I didn't hear about it until he was down
5 in the Nampa facility.
6 Q. Do you recall how you heard about it?
7 A. What I heard was that he had reported it to I
8 believe Gracie Reyna and that it -- and it didn't come
9 to me until -- until afterwards. But I had heard that
10 he had reported it to Gracie and then it came to me --
11 it might have come to me through Legal. I just can't
12 remember how it came to me.
13 Q. Did you look into the report and see what
14 might have happened?
15 A. Yes, and it wasn't validated.
16 Q. And what do you mean by that?
17 A. What I heard was that it hadn't happened is
18 what I had heard, and what the report -- what the
19 information that I received.
20 Q. And what was the information that you
21 received?
22 A. That there -- they had looked into it and that
23 it -- you know, that it wasn't validated. As much as I
24 can remember, it wasn't validated.
25 Q. Do you know who looked into it?

1 A. No, I don't remember. I do remember that
2 Rhonda called up there and talked about it to I think
3 Nick Brillion. But I don't know as far as an
4 appropriate investigation, I can't remember who looked
5 into it that would be -- follow what our formal
6 investigation is, I can't remember who did that.
7 Q. How did you hear about Rhonda talking to Nick
8 Brillion?
9 A. I believe it was part of the whole piece
10 with -- was there -- you know, I can't remember. I just
11 remember that there was an issue with Gracie hearing it
12 and Rhonda doing an investigation before it was
13 reported.
14 Q. Did you ever find out that the incident had
15 already been reported to staff at Lewiston before the
16 report was made to Gracie?
17 A. No.
18 Q. Did you ever hear that Nick Brillion confirmed
19 to Rhonda that it had already been reported and was
20 under investigation there?
21 A. I can't remember that.
22 Q. Do those sorts of reports of those kinds of
23 relationships typically go to you?
24 A. Eventually they will come to me, yes.
25 Q. As a matter of policy, should they?

1 A. I don't -- as a matter of policy? If there is
2 a sexual relation with one of our staff and a kid, yes.
3 Q. Are you aware of allegations concerning an
4 inappropriate sexual relationship involving a former
5 juvenile by the name of Michael Curtis and former staff
6 member Jackie -- I'm sorry, Katie McClain, I've got the
7 name written down here wrong. I'm sorry, that's
8 embarrassing, I can't remember. Anyway, involving a
9 juvenile by the name of Michael Curtis?
10 A. I was not aware of that until this lawsuit.
11 Q. And is it fair to say you've seen the
12 affidavit that Mr. Curtis submitted?
13 A. Yes.
14 Q. All right. Do you know if any investigation
15 has been conducted into that?
16 A. I don't know.
17 Q. Have you spoken with anyone from law
18 enforcement about that?
19 A. Have I?
20 Q. Yes.
21 A. No.
22 Q. Jackie Raymond. That's the other name that I
23 was struggling with. Sorry. How about Dr. Richard
24 Pines, are you aware of any concerns having been raised
25 by staff that Dr. Pines might be a threat to juveniles

1 A. Either -- I can't remember when, but through
2 Legal.
3 Q. All right. Did you ever discuss that with
4 Betty Grimm?
5 A. We discussed -- what we discussed was that if
6 Dr. Pines visited his foster child, that, you know, as
7 with all, they're supervised visits. He's not alone in
8 a room with them.
9 Q. All right. Are you aware of whether any staff
10 reported inappropriate or strange conduct between
11 Dr. Pines and CM ?
12 A. No, I'm not aware of that.
13 Q. Did anyone ever indicate that Dr. Pines was
14 rubbing CM 's hands?
15 A. I was -- no.
16 Q. Was anything special done to monitor Dr. Pines
17 in particular as opposed to any other kind of supervised
18 visit?
19 A. I don't remember exactly what the sequence of
20 events was, but when we found out that there were
21 allegations against Dr. Pines, then we stopped the
22 visits.
23 Q. Okay.
24 A. Is what I remember.
25 Q. All right.

1 at the Department?
2 A. Yes.
3 Q. What do you know about that?
4 A. Well, what the paper said and the fact that he
5 had one of his foster kids in our custody.
6 Q. Do you know if -- and you're talking about
7 CM ?
8 A. Yes.
9 Q. Do you know if CM was Dr. Pines' foster
10 child or a foster child of Aaron Pines, not Richard
11 Pines?
12 A. I don't know the answer to that.
13 Q. And is it fair to say that Dr. Pines performed
14 psychiatric services at Syringa House and Northwestern
15 Children's House?
16 A. Northwest Children's Home and Syringa House?
17 Q. Yes.
18 A. Yes.
19 Q. And he treated Juvenile Corrections inmates
20 there?
21 A. I'm not aware of that. We don't use Syringa
22 House that often.
23 Q. When was it that you heard concerns, that
24 concerns had been raised about Dr. Pines visiting the
25 facility?

1 A. As soon as we found out that there were
2 allegations that were being filed.
3 Q. All right.
4 A. Is what I remember.
5 Q. And when you say "we," who do you mean?
6 A. Superintendent Grimm and I. I mean, she
7 talked with me and we discussed it with Legal.
8 Q. Was that because you felt he was more of a
9 threat to CM or other juveniles or why was it that
10 the visits were stopped?
11 A. Because there were allegations.
12 Q. And you felt that was sufficient to warrant
13 prohibiting him from visiting?
14 A. You know, I'll tell you that's what I remember
15 is what we did.
16 Q. Whatever you remember. Do you know if
17 Dr. Pines came into contact with any other juveniles
18 during visits?
19 A. Not to my knowledge.
20 Q. With respect to Julie McCormick that you
21 started talking about earlier, prior to the -- well, let
22 me ask you this: Do you remember when it was that she
23 was terminated from her employment with the Department?
24 A. Yes, it was the day that we found out that she
25 had been in her office for two hours with a juvenile.

1 Q. All right. And that was again CY ?
2 A. Yes.
3 Q. What was the specific concern about that two
4 hours with the juvenile?
5 A. The concern was no staff should be behind a
6 closed door with a juvenile for any amount of time, let
7 alone two hours.
8 Q. Had you ever heard of her doing that sort of
9 thing before?
10 A. No, not in a room behind a closed door.
11 Q. All right. Do you know if any reports to that
12 effect were made by staff, that she had spent time
13 behind closed doors with CY or any other juveniles?
14 A. Not to me.
15 Q. Do you know if they were made to anyone else?
16 A. I can't answer that. It didn't come up to me.
17 Q. But is that, you don't know?
18 A. I can't answer the question because -- no, I
19 don't know.
20 Q. Okay, that's all I want to know. If you don't
21 know something you can say, "I don't know."
22 Was there any other conduct of McCormick's
23 with respect to CY or other juvenile males that
24 caused you or anyone else concern at the facility?
25 A. Yes, it was reported to me that Julie may have

1 boundary issues. So, we had that investigated.
2 Q. What do you mean by "boundary issues"?
3 A. What I was told is that she was spending time
4 in the Solutions unit, which was not appropriate. And
5 so, we had it investigated.
6 Q. And who investigated that?
7 A. The first time it was investigated we had it
8 investigated by Bev Wilder, who was a program manager
9 from St. Anthony.
10 Q. All right. Why did you pick her? Did you
11 pick her to do that?
12 A. At that point it was -- it looked like we had
13 heard something -- we had heard that there could be
14 something going on. She was going to be at the
15 facility, and so we asked her if she would do the
16 investigation because it was from the outside.
17 Q. When you say "something going on," what do you
18 mean?
19 A. The boundary issues. There was a concern --
20 there was a report that CY may be infatuated by
21 Julie.
22 Q. Do you know who made that report?
23 A. No, I don't.
24 Q. Do you know when that was made?
25 A. No, I don't. I don't remember.

1 Q. And what did Ms. Wilder find?
2 A. She said that it looked like there might be a
3 crush and that we should watch Julie's -- just let Julie
4 know that she wasn't supposed to be around CY . So,
5 that was the report. That was the report and that's
6 what the instructions were for Julie.
7 Q. All right. Was there any concern by anyone at
8 all that there might be a sexual relationship between
9 the two of them?
10 A. No, not to my knowledge. Not that got
11 reported to me.
12 Q. Do you know if that was reported to anyone
13 else?
14 A. Not to my knowledge.
15 Q. Was Ms. McCormick -- were her interactions
16 with CY monitored in any way?
17 A. I believe so after that because there was
18 progressive discipline and -- she was monitored. When
19 she was spending time with him, then there was
20 progressive discipline that happened.
21 Q. And what did that consist of, the progressive
22 discipline?
23 A. Verbal and then written.
24 Q. And who handled that?
25 A. Well, Julie -- Julie was supervised by

1 Superintendent Grimm, so Betty would have handled those
2 disciplines with the assistance of Human Resources.
3 Q. Anyone specific in Human Resources?
4 A. I don't know for sure, but my guess is that it
5 would have been Pat and Julie.
6 Q. Who was it that monitored Julie McCormick?
7 A. Well, Betty is her supervisor, so it would be
8 Betty that would be responsible for that.
9 Q. And do you know that she did monitor Julie?
10 A. I -- yes, because of the progressive
11 discipline.
12 Q. All right. Did you ever discuss Ms. Grimm's
13 monitoring of Julie McCormick with Julie Cloud?
14 A. Yes, we did discuss that. And then Julie
15 discussed it -- I mean, what I remember is that we
16 discussed it and then Julie sent an e-mail saying that
17 she thinks that she needed to do more. And I talked
18 with Betty about getting out there and walking around
19 more.
20 Q. All right. And did you discuss with Ms. Cloud
21 why it was she felt that more needed to be done?
22 A. No. I mean, mostly because what her concern
23 was is just watching it on the monitor and wanting Betty
24 to get out there. And what my understanding is Betty
25 was out there walking around doing her rounds on a

1 regular basis, so I just asked her to step up her
2 rounds.
3 Q. All right. Did you have any concerns that
4 Betty was not doing enough to monitor Julie McCormick?
5 A. With the information that I had at the time,
6 no.
7 Q. Were any staff members notified to keep an eye
8 on the situation?
9 A. Not to my knowledge. I mean, we -- in the
10 Department of Juvenile Corrections we all look out for
11 each other and we all should be monitoring each other
12 and making sure that people aren't put in situations
13 that are compromising.
14 Q. All right.
15 A. So, in that respect, I believe that everyone
16 has the right and the responsibility of reporting if
17 there's something that's not appropriate.
18 Q. Was any staff told that there was any kind of
19 impropriety to watch out for between Ms. McCormick and
20 CY ?
21 A. Not to my knowledge.
22 Q. Are you aware of whether Ms. McCormick might
23 have spent similar time inappropriately with JD
24 , another juvenile?
25 A. No.

1 Q. Do you know if she ever spent time behind
2 closed doors with him?
3 A. No.
4 Q. The same thing with CM , are you
5 aware of any inappropriate time spent with him?
6 A. No. When I was made aware of inappropriate
7 time, I dealt with it.
8 Q. And what do you mean by that?
9 A. When I was made aware of the two hours, which
10 was inappropriate time, then I said, "That's
11 inappropriate. We need to let Julie know that until the
12 investigation is done she needs to be out of the
13 facility."
14 Q. All right. And who was it that made you aware
15 of the two-hour --
16 A. Betty called me.
17 Q. Did she say how she knew about it?
18 A. She said that it had been reported to Pat
19 Thomson, Human Resources.
20 Q. Do you know who reported it to Pat?
21 A. Sarah Cerda.
22 Q. Did you ever hear that Sarah Cerda had walked
23 in on McCormick and CY in a state of undress?
24 A. No, I did not hear that.
25 Q. Or in a state where they were in close

1 physical contact or sexual contact?
2 A. I did not hear that.
3 Q. Are you aware of any reports to that effect by
4 SSO Ramos?
5 A. No, I -- in the investigation there was some
6 of that discussion, but prior to that I did not hear
7 that.
8 Q. And what was that discussion?
9 A. I'm sorry?
10 Q. What was that discussion that you just
11 referred to?
12 A. During the investigation it came out that
13 Ramos -- Ramos had talked with Julie about his concerns
14 with her boundaries.
15 Q. And do you know when he had spoken with her
16 about those?
17 A. No, I don't.
18 Q. Did you find out whether Sarah Cerda might
19 have walked in on the two of them either in a state of
20 undress or inappropriately physically touching?
21 A. What I was told was that they were not
22 physically touching, that they were close to each other
23 and -- but they weren't touching. That's what I was
24 told by the investigation.
25 Q. Did anyone have any concern that Ms. McCormick

1 enjoyed CY apparent infatuation with her?
2 A. I -- no, I did not hear that.
3 Q. All right. You mentioned progressive
4 discipline earlier. What was involved in that? I think
5 we had gotten to the counseling stage with Betty Grimm.
6 A. Right. Verbal warning, written warning, and
7 the next stage was we were in the process of putting
8 Julie out for five days because she continued to have --
9 you know, she continued to go down to Solutions or be
10 available when CY was around.
11 Q. All right. And was that reflected in a notice
12 of contemplated action?
13 A. Yes.
14 Q. Do you know if Julie McCormick's movements
15 with CY were tracked in the movement log at the
16 control booth?
17 A. I don't know the answer to that. They should
18 have been because all movement is supposed to be
19 tracked.
20 Q. Did you ever find out if records of those
21 movements existed?
22 A. No.
23 Q. Are you aware if anyone ever asked anyone to
24 delete movement logs concerning Julie McCormick's
25 interactions with CY ?

1 A. No.
2 Q. Or with any other juvenile?
3 A. No, records should not be deleted.
4 Q. Do you know who has the authority to delete
5 records, movement logs specifically?
6 A. No, I don't know who has that authority.
7 Q. Do you know who has the ability?
8 A. No.
9 Q. Could McCormick have been placed on leave or
10 suspended prior to the time at which she spent those two
11 hours with CY ?
12 MR. COLLAER: Object to the form of the
13 question, calls for a legal conclusion.
14 Q. (BY MR. SCHOPPE) I mean as a matter of policy
15 or discipline under something that was discussed or on
16 the table?
17 MR. COLLAER: The same objection. To the
18 extent that that asks you to reveal any discussions you
19 had with legal counsel, then I would instruct you not to
20 answer. To the extent you can answer the question, go
21 ahead.
22 THE WITNESS: I can't remember the time frame
23 between those. I know that we were doing progressive
24 discipline.
25 Q. (BY MR. SCHOPPE) And did you discuss that

1 with Betty Grimm?
2 A. The progressive discipline?
3 Q. Well, the possibility of suspending her sooner
4 rather than later in the process?
5 A. That doesn't make sense to me, what you're
6 asking me. So, you might have to ask me a different
7 way.
8 Q. Well, let me ask you this: As you sit here
9 now, do you wish you had done anything differently?
10 MR. COLLAER: Objection to the form of the
11 question, incomplete hypothetical, calls for
12 speculation. I'm not going to tell you not to answer,
13 but if you have an opinion about that one way or
14 another, then go ahead.
15 THE WITNESS: With the information that we
16 had, I believe we were doing the progressive discipline
17 that we needed to, with the information we had. Had we
18 been given different information, then yes. But with
19 the information that we had, we were doing what we
20 needed to do.
21 Q. (BY MR. SCHOPPE) Do you feel like you did
22 everything possible to protect CY ?
23 MR. COLLAER: Objection, that's been asked and
24 answered. Go ahead and answer it again.
25 THE WITNESS: With the information we had.

1 Q. (BY MR. SCHOPPE) Has anyone else ever
2 expressed a belief that something should have been done
3 to protect CY ?
4 MR. COLLAER: Object to the form of the
5 question, calls for speculation. If somebody told you
6 that you should have done something differently, then go
7 ahead.
8 THE WITNESS: Not with the information that we
9 had. I mean, no.
10 Q. (BY MR. SCHOPPE) I mean, has anyone told you
11 that, though? Not based on the information, but has
12 anyone ever said something to the effect that something
13 should have been done to intervene sooner?
14 MR. COLLAER: The same objection, it's an
15 incomplete hypothetical and calls for speculation. But
16 go ahead. Assuming someone told you you should have
17 done something differently, go ahead and answer the
18 question.
19 THE WITNESS: I'm sure in hindsight lots of
20 people told me that, but can I tell you one person? No.
21 But with the information that we had, I believe we did
22 what we needed to do.
23 Q. (BY MR. SCHOPPE) Do you know if the incident
24 with CY was reported as a PREA incident?
25 A. Yes.

1 Q. Do you know who made that report?
2 A. Well, ultimately it went to Joe Blume, who is
3 our PREA coordinator for the State.
4 Q. Do you know if an incident report was
5 prepared?
6 A. I believe so.
7 Q. And was the issue reported to the Department
8 of Health and Welfare?
9 A. The issue was reported to the department of
10 law enforcement, to the Nampa Police Department.
11 Q. But do you know if it was reported to Health
12 and Welfare?
13 A. No.
14 Q. Who would have been responsible for reporting
15 it to the Department of Health and Welfare?
16 MR. COLLAER: Object to the form of the
17 question, it assumes that it was required. But go ahead
18 and answer.
19 THE WITNESS: The first person that knew that
20 there could have been a situation. At that point we
21 didn't know what the situation was and we did report it
22 to law enforcement.
23 Q. (BY MR. SCHOPPE) As far as you know, did
24 Ms. Grimm's decision to retire in late 2012 have
25 anything to do with the Julie McCormick incident?

1 A. No, Ms. Grimm had been talking about
2 retirement for several years.

3 Q. Did you or anyone else tell her that she
4 should retire?

5 A. No.

6 MR. SCHOPPE: Off the record for just a
7 moment.

8 (Luncheon recess taken.)

9 Q. (BY MR. SCHOPPE) Earlier you had mentioned a
10 report by Bev Wilder concerning Julie McCormick. Was
11 that a written report?

12 A. I don't believe it was. I believe she just
13 reported to us that it looked like there was -- it
14 looked like there were boundary issues and that it
15 should be watched.

16 Q. Did she express any concerns that it could be
17 of a sexual or romantic nature, the relationship between
18 the two of them?

19 A. No, just as I said before, there was an
20 infatuation, but not anything that -- just boundary
21 issues, to watch it.

22 Q. Can you tell me what a staff assist is, if you
23 know?

24 A. What a staff assist is?

25 Q. Yes.

1 A. You know, I don't really know what a staff
2 assist is.

3 Q. Is there a policy at the Department concerning
4 Facebook friendships or other relationships involving
5 staff and former juveniles?

6 A. Yes.

7 Q. Can you tell me what that is?

8 A. That they're not supposed to be friends with
9 former juveniles.

10 Q. Was Bob Glenn fired for violating that policy?

11 A. There was a disciplinary action on Bob Glenn
12 that included some Facebook violations, but also some
13 other violations as well, based on an investigation.

14 Q. What were those, those other issues?

15 A. Providing food for the kids and pulling them
16 out individually and talking to them.

17 Q. Was the progressive discipline system
18 initiated with Mr. Glenn?

19 A. You know, I don't know the sequence of events
20 with that. I know that there was discussion with him,
21 but as far as progressive discipline -- when the
22 investigation was done and the issues -- what we did was
23 based on what the investigation came back with. We
24 terminated him.

25 Q. All right. In your opinion, were those issues

1 more or less serious than the issues that presented
2 themselves with Julie McCormick and CY ?

3 A. Well, in my opinion because of the boundary
4 issues and buying food for the kids and that, those were
5 issues that I had been made aware of that were serious
6 issues. The issues that I had been made aware of with
7 Julie McCormick did not rise to that level. When -- you
8 know, as soon as I knew what those issues were with
9 Julie McCormick, you know, the time in the room, then
10 that was dealt with.

11 Q. Since you started as the Director, has anyone
12 ever reported to you or are you aware of any reports
13 that employees might be engaging in time card fraud?

14 A. Yes, I was made aware of that by the Nampa
15 Police Department.

16 Q. And tell me about that, please. What were you
17 told?

18 A. The Nampa Police Department called me and said
19 that they were given some information about time card
20 fraud. And so, I gave them access to time sheets and it
21 came back that there was some fraud.

22 Q. And was that an allegation against someone in
23 particular?

24 A. Dave Rohrbach and Glenda Rohrbach.

25 Q. And do you know where the Nampa PD got that

1 information?

2 A. No. As far as they knew, it was anonymous.
3 It was just dropped off at their facility.

4 Q. And did Mr. Rohrbach and Ms. Rohrbach retire
5 shortly after that?

6 A. They retired -- you know, I don't know the
7 sequence of events. They might have already been
8 retired by then, by the time those time card frauds --
9 it was real close. It was right in that same kind of
10 time sequence.

11 Q. Did you ever hear of any complaints or
12 concerns expressed by employees concerning the
13 Rohrbach's time card fraud?

14 A. No, I hadn't.

15 Q. Did you have any discussions with Mr. Rohrbach
16 about time card fraud being a reason for him to retire?

17 A. No, I didn't have a discussion about that
18 being the reason for him to retire, no.

19 Q. Did you ever suggest to him that he ought to
20 retire because of those allegations?

21 A. No.

22 Q. Since you became Director in 2009 did anyone
23 ever express to you that -- did any employee ever
24 express to you that the facility was unreasonably unsafe
25 for staff or juveniles?

1 A. No employee ever came to me and said that.
2 I'm trying to think. No one came to me directly and
3 said that, no.
4 Q. Did you hear about it somehow?
5 A. Through the Performance-based Standards, staff
6 fearing for their safety.
7 Q. And do you recall when that was?
8 A. No, I don't.
9 Q. And what was it that you learned through the
10 Pbs system?
11 A. That there were some staff that feared for
12 their safety.
13 Q. Was that an increase over the prior state of
14 affairs?
15 A. That particular Performance-based Standard
16 goes up and down depending upon the facility and the
17 kids that are in the facility.
18 Q. Do you happen to recall whether that might
19 have been in 2010?
20 A. I don't recall.
21 Q. Did you ever find out why it was that staff
22 were concerned for their safety?
23 A. There were assaults on staff, assaults on
24 other kids.
25 Q. Did you ever find out why that situation

1 seemed to change or get worse?
2 MR. COLLAER: Objection to the form of the
3 question, assumes facts not in evidence. But go ahead.
4 THE WITNESS: Like I said, it ebbed and
5 flowed.
6 Q. (BY MR. SCHOPPE) Was it anything as far as
7 you could tell that was either programmatic, related to
8 the way in which the facility was run, or perhaps
9 related to a single juvenile, anything like that?
10 A. It ebbed and flowed by the kids that were in
11 there.
12 Q. Since the time you became Director did anyone
13 ever tell you that they believed that they were
14 suffering retaliation?
15 A. No. You know, as I think about it, I do think
16 Rhonda talked about that, with the hit man. And so, I
17 think that she felt that there was some retaliation at
18 the facility. And Kim McCormick thought, felt that
19 there was some retaliation. When we looked into it and
20 I talked to folks, I didn't feel that there was any
21 retaliation.
22 Q. What did you talk about with Kim McCormick?
23 A. What kind of adverse actions had happened.
24 Q. What did she have to say about that?
25 A. No adverse employee actions -- or no adverse

1 actions, just the way people treated her in the -- you
2 know, her co-workers.
3 Q. And the adverse employee action, was that her
4 term or is that your term?
5 A. I just -- I asked her to explain to me what
6 was going on.
7 Q. And what did she have to say to you?
8 A. She just felt like that she wasn't being
9 included in things.
10 Q. Did she say why she felt that was?
11 A. No.
12 Q. Do you recall when that was?
13 A. Within the last year.
14 Q. Are you aware of whether any employees have
15 used state vehicles for personal uses?
16 A. No, the policy indicates that you can take a
17 state vehicle home at night if you're going to leave
18 early in the morning. And so, state employees will do
19 that.
20 Q. And when you say "leave" --
21 A. So, if you are going someplace on state
22 business and you're having to leave at 6:00 in the
23 morning, then our policy indicates that you can take it
24 home the night before so you don't have to drive to the
25 facility, pick up the vehicle, and then go.

1 Q. Did you ever authorize Bev Ashton to use a
2 state vehicle for her commute to and from work?
3 A. That situation was developed way before I
4 became the Director. And it is reviewed on a regular
5 basis.
6 Q. Okay.
7 A. What it is is Bev Ashton is the district
8 liaison in District 5. And so, the vehicle is actually
9 kept at the Shoshone County -- I'm sorry, the Lincoln
10 County -- in Shoshone City, the Lincoln County
11 Courthouse. And so, she will drive to the Lincoln
12 County Courthouse and pick up the vehicle and -- because
13 that is centrally located in all of the eight counties
14 that are part of District 5.
15 Q. How about Honalee Gallegos, does she have a
16 state vehicle that she's able to use for a personal
17 commute?
18 A. Not to my knowledge. There are -- each
19 facility -- each district has access to state vehicles
20 and, you know, they can pick them up and take them for
21 their use wherever they need to go.
22 Q. But you've never authorized it for that
23 purpose?
24 A. For personal use, no.
25 Q. Since the time you have become Director has

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1 anyone ever expressed concern to you that the safety of
2 juveniles and staff is jeopardized by the
3 inappropriately fast reintegration of juveniles after
4 violent assaults or similar incidents?

5 A. That was discussed at the all-staff meeting
6 and I believe that Tom Knoff has talked with me about
7 that.

8 Q. And what did he have to say about that?

9 A. The use -- what he said is that the
10 reintegration of kids is too fast, that -- and that they
11 needed more ability to lockdown kids.

12 Q. And is that something you agreed with or
13 disagreed with?

14 A. My belief is that if a juvenile needs
15 lockdown, they should be locked down. When they're
16 ready to reintegrate, then they need to be reintegrated.

17 Q. And was that a difference in approach or
18 policy between the two of you?

19 A. Between the two of us meaning me and Tom?

20 Q. Yes.

21 A. Yes.

22 Q. How would you summarize his position on it?

23 A. His position was that -- to lock down kids for
24 a period of time.

25 Q. What was that period of time?

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1 A. What I recall is 72 hours.

2 Q. Did that violate the juvenile's rights as far
3 as you're concerned?

4 MR. COLLAER: Object to the form of the
5 question, calls for a legal conclusion. But go ahead
6 and answer if you can.

7 THE WITNESS: Kids are not supposed to be
8 locked down any more than they absolutely have to. Kids
9 don't learn in their rooms. They're not rehabilitated
10 if they're locked in their rooms. They're rehabilitated
11 when they're in programming and working with staff.

12 Q. (BY MR. SCHOPPE) My question had been,
13 though: As far as you were concerned, I understand
14 you're not a lawyer, was that policy of Mr. Knoff's
15 violating the juveniles' rights?

16 MR. COLLAER: Object to the form of the
17 question, incomplete hypothetical, and calls for
18 speculation.

19 THE WITNESS: So, my answer would be it's the
20 policy of our agency to get kids into communities as
21 quick as you can. They do that by being rehabilitated.
22 If they're locked in their rooms they're not being
23 rehabilitated.

24 Q. (BY MR. SCHOPPE) I don't believe that's quite
25 responsive. I was looking for your impression of

1 whether that was violating their rights.

2 MR. COLLAER: Again, that's an incomplete
3 hypothetical, calls for a legal conclusion, and calls
4 for speculation. What circumstances? What kind of an
5 assault? It all depends, Counsel.

6 MR. SCHOPPE: Well, please don't coach the
7 witness.

8 MR. COLLAER: I'm not. I'm asking you to give
9 a complete hypothetical if you're asking for a
10 hypothetical opinion.

11 Q. (BY MR. SCHOPPE) No, I'm asking for your
12 opinion of what you just summarized as Mr. Knoff's
13 position, 72-hour lockdowns. So, as far as you were
14 concerned, did that violate juveniles' rights?

15 MR. COLLAER: Objection, that's been asked and
16 answered and I'll restate the prior objections.

17 THE WITNESS: I'll leave that to my legal
18 team.

19 Q. (BY MR. SCHOPPE) Did you ever tell him that
20 that was violating their rights, Mr. Knoff, I mean?

21 A. I don't recall ever telling him directly,
22 Mr. Knoff, that that was violating their rights.

23 Q. And you never formed an opinion of it one way
24 or another?

25 MR. COLLAER: Objection, that misstates her

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1 testimony.

2 Q. (BY MR. SCHOPPE) Correct me if I'm wrong.

3 A. What I believe is that kids can only be
4 treated if they're out in the group or, you know, they
5 can't be treated or rehabilitated if they're in their
6 rooms.

7 Q. Did Mr. Knoff or anyone else ever express
8 concern that reintegrating juveniles too quickly
9 violated the rights of other juveniles?

10 A. It's staff's responsibility to determine when
11 the best time to reintegrate a juvenile. And it has to
12 be on an individualized basis based on their
13 professional opinion on when it's appropriate, when it's
14 safe for staff and the other juveniles to reintegrate
15 the juvenile. And so, that has to be on an
16 individualized basis. And each case would have to be
17 looked at differently based on what the juvenile did,
18 based on the reintegration plan.

19 Q. Was Mr. Knoff not doing that, the individual
20 analysis you just described?

21 A. Well, it's my belief that that's what the plan
22 was, is to let kids out. Now, what he and his staff did
23 as far as it was -- it was never my directive that kids
24 could not be locked in their rooms. It was my directive
25 that kids be reintegrated as soon as they possibly could

1 based on what the individual analysis was.
2 Q. Was there a particular standard, something
3 along the lines of a Performance-based Standard or
4 something like that that you were trying to apply to the
5 way in which lockdowns were approached?
6 A. What I had been told is that if a juvenile is
7 in lockdown, the intent is to get them out as soon as
8 they can reintegrate their group. And if they're not
9 out in 24 hours, there has to be a due process hearing
10 to determine whether or not they stay in their room or
11 if they're -- if they're brought out. But every
12 24 hours there has to be a due process hearing. And if
13 in that due process hearing it's appropriate for the
14 young person to stay in their room, then that's what's
15 appropriate.
16 Q. All right. And who told you that that is the
17 way things should work?
18 A. That's my legal team.
19 Q. Was there a different policy in place -- well,
20 let me ask you this: When did this disagreement occur
21 between you and Mr. Knoff?
22 A. When -- probably when I was made aware that
23 kids were locked in their rooms for long periods of
24 time.
25 Q. And who made you aware of that?

1 A. No, I don't.
2 Q. Did anyone ever tell you how long that
3 practice had been in effect?
4 A. Not to my knowledge, no.
5 Q. Was your concern that O&A staff weren't doing
6 their jobs properly?
7 A. No, my concern was that kids were locked in
8 their rooms for no particular reason.
9 Q. Are you aware of whether anyone ever suggested
10 that O&A staff were not doing their jobs?
11 A. Not to my knowledge.
12 Q. A bit ago you had mentioned an all-staff
13 meeting. Are you referring to an all-staff meeting that
14 occurred in November of 2011?
15 A. Yes.
16 Q. We were talking about fast reintegration.
17 What was it that was brought up there at that meeting
18 according to your recollection?
19 A. According to my recollection, we talked
20 about -- what was brought up was taking tools away,
21 which was the lockdown, 10-hour shifts, and hiring
22 practices. That's what I recall about that all-staff
23 meeting.
24 Q. And would it be fair to say that staff were
25 upset about these issues?

1 A. I knew that was going to be your next
2 question. I can't remember who made me aware of that.
3 Possibly Legal.
4 Q. How about Laura Roters?
5 A. Laura wouldn't have made me aware of that.
6 She probably would have made Betty aware of it and Betty
7 made me aware of it.
8 Q. So, were any policy changes made as a result
9 of this disagreement that you had with Mr. Knoff?
10 A. Not that I can remember.
11 Q. It was just a matter of putting into effect
12 the policy that's already written?
13 A. Practice, yes.
14 Q. Did anyone ever use the term "lockdown at
15 staff convenience" in discussing this with you?
16 A. That was a term that was used when O&A
17 specifically would lock kids down to have their team
18 meetings.
19 Q. Do you know one way or the other if that was
20 simply for staff convenience versus safety or for some
21 other reason?
22 A. It was so that the staff could have their team
23 meeting.
24 Q. Do you know how long that practice had been in
25 effect?

1 A. Yes.
2 Q. So, we've already discussed the lockdown issue
3 and that's what you mean by "taking a tool away"?
4 A. Yes.
5 Q. You mean like a disciplinary tool?
6 A. That's my belief is that's what they thought,
7 that it was a disciplinary tool, a punishment tool.
8 Q. And what was the 10-hour shift concern?
9 A. The take-away of 10-hour shifts from staff, a
10 concern that they didn't -- they weren't able to have
11 10-hour shifts.
12 Q. Had they had 10-hour shifts up until that
13 point or somewhere around that time?
14 A. The 10-hour shifts changed when we had to do
15 some changes in budget to assure that we had staff
16 coverage.
17 Q. Had there been problems with staff coverage?
18 A. Yes.
19 Q. What kinds of problems?
20 A. Just having enough coverage for all of the
21 different -- for all of the different shifts, running a
22 24/7 operation.
23 Q. And what took the place of the 10-hour shifts?
24 A. 8-hour shifts.
25 Q. And did those improve staff coverage?

1 A. Yes.
 2 Q. Was there any specific reason -- and we're
 3 still talking about O&A staff; is that correct?
 4 A. Yes.
 5 Q. Was there any particular reason that the O&A
 6 staff were concerned about the 10-hour shifts being
 7 taken away?
 8 MR. COLLAER: Object to the form of the
 9 question, calls for speculation as to their state of
 10 mind. If they said something, go ahead.
 11 THE WITNESS: All I heard is that: "When do
 12 we get our 10-hour shifts back?"
 13 Q. (BY MR. SCHOPPE) Did anyone tell you why they
 14 wanted those specifically? What was more desirable
 15 about 10-hour shifts versus the 8-hour shifts?
 16 A. They didn't specifically tell me why. They
 17 just asked me when they would get their 10-hour shifts
 18 back.
 19 Q. And what was your response?
 20 A. For a bit it was that: "No, we're staying
 21 with the 8-hour shifts." And then I can't remember
 22 exactly time frame, but then I said: "If you can show
 23 me that you can have the same amount of coverage with
 24 the 10-hour shifts that you did with the 8-hour shifts,
 25 then we'll consider it." And they couldn't come up with

1 the same coverage.
 2 Q. Do you recall who seemed to be upset about the
 3 shift change specifically?
 4 MR. COLLAER: You're talking about at the
 5 staff meeting?
 6 MR. SCHOPPE: Yes.
 7 THE WITNESS: No, I can't remember who. I
 8 can't remember who.
 9 Q. (BY MR. SCHOPPE) All right.
 10 A. Because it was brought up a couple of times
 11 and I just can't remember the people that brought that
 12 up.
 13 Q. All right. And we're talking about the same
 14 general group of O&A staff, though?
 15 A. Yes, I believe -- yeah, it was the O&A staff
 16 that had the 10-hour shifts.
 17 Q. All right. You mentioned hiring practices.
 18 That was another topic; is that right?
 19 A. Yes.
 20 Q. What was that about at the all-staff meeting?
 21 A. It was just about our hiring procedures and
 22 they asked what the hiring practices were and I just
 23 went through the process.
 24 Q. And did they lay out specific concerns or
 25 examples of problems with the hiring process?

1 A. You know, I can't recall if they laid out the
 2 specific concerns or if I brought up that -- my guess is
 3 it was over Laura Roters' hiring. I can't remember if
 4 they brought it up or if I did, but that was what the
 5 issue was.
 6 Q. All right. Do you remember those concerns
 7 being raised in connection with Julie McCormick as well?
 8 A. No, I don't remember them being raised with
 9 Julie McCormick.
 10 Q. At some point around this time, maybe a little
 11 bit before, I think probably before this, did you become
 12 aware of a petition that was circulating?
 13 A. Yes.
 14 Q. How did you become aware of that?
 15 A. I was told that there was a petition that was
 16 being circulated around the Nampa facility that people
 17 were signing.
 18 Q. Who told you that?
 19 A. Betty.
 20 Q. What did she tell you about the petition?
 21 A. Just that there was a petition being signed
 22 about Laura Roters being hired as the unit manager.
 23 Q. All right. Do you know who was circulating
 24 it?
 25 A. Ray Gregston.

1 Q. Do you know of anybody else who signed it?
 2 A. No, I don't.
 3 Q. Or do you know of anybody who supported that?
 4 A. No, I really don't know who supported it.
 5 Q. What was it as far as you recall that people
 6 were upset about with respect to Laura Roters' hiring?
 7 A. Qualifications, I believe.
 8 Q. What do you mean by that?
 9 A. Specifically supervision.
 10 Q. Lack of supervision?
 11 A. Lack of the -- lack of supervision experience
 12 or education.
 13 Q. At the time were you aware of what was being
 14 referred to in terms of lack of supervisory experience?
 15 A. Yes.
 16 Q. At that point I think Laura Roters had been an
 17 employee of the Department for some time; is that fair?
 18 A. Yes.
 19 Q. And as I understand it, she had applied for
 20 the position of unit manager; is that right?
 21 A. That's right.
 22 Q. Did you ever speak with her concerning her
 23 application to become the unit manager?
 24 A. I spoke with her after she was awarded the
 25 position and then it was taken away from her.

1 Q. All right.
2 A. And she came down to headquarters and I spoke
3 with her. I looked at her -- because of the supervisory
4 experience, I -- she and I both looked at her
5 transcripts together and went through each of her
6 classes and there wasn't supervisory experience on her
7 transcript. That's the one time I had a conversation
8 with her about that.
9 Q. And when you said the position was "taken away
10 from her," what did you mean?
11 A. She was hired as the unit manager and then
12 there was question about her experience in supervision
13 and then through review it was taken away from her.
14 Q. All right. Was she upset about that?
15 A. Yes.
16 Q. Do you recall who it was that raised the
17 concerns over her lack of supervisory experience?
18 A. I was notified by Julie Cloud.
19 Q. What did she say?
20 A. And she was -- it was brought to her attention
21 by Mark Freckleton.
22 Q. Do you know why he noticed or was interested?
23 MR. COLLAER: Object to the form of the
24 question, calls for speculation. If you know what
25 Mr. Freckleton was thinking, go ahead.

1 THE WITNESS: I really don't know what he was
2 thinking.
3 Q. (BY MR. SCHOPPE) Do you know if he had also
4 applied for the position?
5 A. I believe he did.
6 Q. After the position was taken away from
7 Ms. Roters, as you put it, did the position open up
8 again for applicants?
9 A. Not for a bit.
10 Q. And do you recall how long that period of time
11 might have been?
12 A. Longer than I wanted.
13 Q. Why do you say that?
14 A. Because the Division of Human Resources
15 reviewed the qualifications of the position and it took
16 much longer than I thought it would for them to review
17 the qualifications of the position.
18 Q. All right. How did they become involved?
19 You're talking about the State Division of Human
20 Resources?
21 A. Yes.
22 Q. Why did they become involved?
23 A. They became involved because we pulled the
24 position from Laura. And Julie and I discussed it and
25 she reviewed the applications and she changed the

1 scoring for Laura. And because she changed the scoring
2 for Laura so that she didn't pass, then DHR became
3 involved.
4 Q. Is it correct to say that this led to a
5 probationary period for the Department of Juvenile
6 Corrections Human Resources?
7 A. Yes.
8 Q. How was it that -- what did Division of Human
9 Resources do in reviewing that position?
10 A. They brought in a unit manager from -- they
11 brought in -- well, a representative from all three of
12 our facilities to discuss the unit manager position.
13 So, a unit manager from -- no, it wasn't. It was the
14 superintendent from Lewiston and the program managers
15 from Nampa and St. Anthony to determine what the
16 criteria for a unit manager would be. So, the people
17 that supervised the unit manager were the people that
18 determined what those qualifications should be.
19 Q. Can you tell me who those people were, their
20 names?
21 A. Kevin Bernatz, Dave Rohrbach, and Bev Ashton,
22 Beverly Ashton -- I mean Beverly Wilder. I'm sorry,
23 Beverly Wilder.
24 Q. And what happened with respect to reviewing
25 the position? Were qualifications changed or did

1 anything else happen with that?
2 A. I think the criteria and the questions became
3 clearer so that people would know how to answer the
4 questions.
5 Q. Were any of the supervisory experience
6 requirements changed in any way?
7 A. You know, I believe they were, but I can't
8 tell you specifically what those were.
9 Q. Were you involved in the review process at
10 all?
11 A. No, I wasn't. It was a DHR review.
12 Q. As far as you know, did you or anybody else at
13 Juvenile Corrections ask the Division of Human Resources
14 to conduct that review?
15 A. You know, I don't know the answer to that. I
16 know that it was such a mess that we welcomed the
17 review.
18 Q. Do you know if Julie Cloud was involved in
19 that process?
20 A. Yes. Well, she wasn't involved in the process
21 of reviewing the unit manager position because that was
22 all DHR.
23 Q. How was she involved?
24 A. Well, she was involved, as I said before, in
25 the first time review and she reviewed Laura Roters.

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1 But once it was given to DHR, then it was pretty much
2 DHR and those three people that I told you about that
3 came up with the process.
4 Q. All right. Did you ever talk with Vicki
5 Tokita at the Division of Human Resources regarding that
6 review?
7 A. Yes, I did several times because I kept asking
8 her how much longer it would be.
9 Q. Do you recall how long it took?
10 A. No, I don't.
11 Q. And is it fair to say that at some point
12 thereafter the position was opened up again for
13 applicants?
14 A. Yes, it was after DHR did their process.
15 Q. And is it correct to say that Laura Roters
16 again applied for that position?
17 A. Yes.
18 Q. And that she got the position?
19 A. Yes.
20 Q. All right. Are you aware of whether there was
21 any difference in her qualifications?
22 A. In the meantime she took some supervisory
23 classes.
24 Q. Did you participate in any way in the hiring
25 process that second time around?

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1 A. No.
2 Q. Did you talk with her about her reapplication
3 for the position?
4 A. No, I did not.
5 Q. Do you know if Julie Cloud did?
6 A. I can't answer that, no.
7 Q. Or Betty Grimm?
8 A. I can't answer that either.
9 Q. All right. Are you aware of whether the
10 supervisory experience requirements for the position
11 were reduced?
12 MR. COLLAER: Objection, that's been asked and
13 answered. But go ahead.
14 THE WITNESS: Like I said, I don't know that
15 they were reduced. I know that Laura took some
16 supervisory classes.
17 Q. (BY MR. SCHOPPE) All right. And where was
18 that position assigned again within the Department?
19 Unit manager for?
20 A. The unit manager?
21 Q. For Choices?
22 A. It was the unit manager for Choices and
23 Solutions.
24 Q. And who had occupied that position before
25 Laura Roters, immediately prior to Laura Roters?

1 A. Dave Rohrbach.
2 Q. At the all-staff meeting did staff express
3 concerns that the requirements for the position had been
4 changed to accommodate Laura Roters?
5 A. I don't recall that being one of the
6 discussions.
7 Q. At some point Tom Knoff was terminated; is
8 that right?
9 A. Yes.
10 Q. Why was that?
11 MR. COLLAER: Hold on just a second. I'm not
12 sure if that case is under a confidentiality order or --
13 MS. NANCY BISHOP: It is.
14 MR. COLLAER: If it is, then she can't talk
15 about it.
16 MR. SCHOPPE: She can't talk about the facts
17 of why he was terminated?
18 MR. COLLAER: I think the release is that
19 broad.
20 MR. SCHOPPE: Is that an order, a court order,
21 or is that just an agreement?
22 MR. COLLAER: It is an agreement and part of
23 the court order.
24 MR. SCHOPPE: It's part of a court order?
25 MR. COLLAER: I would have to check, but I

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1 believe it incorporates the release, which has a
2 confidentiality clause in it.
3 MR. SCHOPPE: So, there's an actual lawsuit
4 filed?
5 MR. COLLAER: I know it was through the
6 Personnel Commission, but again, there is a -- I know
7 there is a release agreement with a confidentiality
8 clause. And so, she cannot violate the terms of that
9 confidentiality agreement.
10 MR. SCHOPPE: The thing is I'm going to have
11 to keep the deposition open because --
12 MR. COLLAER: That's fine. I understand that.
13 MR. SCHOPPE: -- because I don't believe that
14 to be the case in the context of -- typically orders
15 like that or agreements like that make an exception for
16 testifying in depositions or court proceedings or things
17 like that. So, you're instructing her not to answer
18 that?
19 MR. COLLAER: Yeah, I guess until we can
20 address that either with the Court or with Mr. Knoff. I
21 mean, I don't want to do something that breaches that
22 and creates an issue with Mr. Knoff. But I understand
23 that you may have to come back and ask about that
24 particular thing and I don't have a quarrel with that.
25 MR. SCHOPPE: All right.

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1 Q. (BY MR. SCHOPPE) Well, at any rate, at some
2 point the position that Mr. Knoff held in Observation &
3 Assessment became vacant; is that right?

4 A. Yes.

5 Q. All right. What position was that?

6 A. It was a lead rehab tech I believe is what it
7 was.

8 Q. At one point had he been a unit manager in
9 O&A?

10 A. Yes.

11 Q. And is it fair to say that that unit manager
12 position was reclassified in a way that was sort of a
13 demotion to lead rehab tech?

14 A. What happened was we were under a reduction in
15 force and so, we had to look at all three facilities to
16 determine how we could reduce positions in order to deal
17 with the economic downturn. And that was one of the
18 positions that Nampa said, "We can do this without that
19 position."

20 Q. All right. And was that commonly known as a
21 hiring freeze or something like that, the reduction in
22 force?

23 A. No, it was a holdback based on the economy.
24 And all of us had to come up with our reduction in our
25 budgets. And so, all state agencies were given the

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1 directive to reduce -- to reduce their budgets.

2 Q. All right. So, is it fair to say that that
3 occurred in 2009, that reclassification?

4 A. I believe it was the beginning of 2010.

5 Q. Okay.

6 A. Late 2009. It was December of 2009.

7 Q. So, when that position became open once again,
8 how was that filled as far as you know?

9 A. The position didn't really come open again.
10 What happened is when Tom left, we knew we needed to do
11 something with the O&A program. So, we just moved the
12 unit manager position over there and that was Laura.

13 Q. Was she first assigned as the acting lead
14 rehab tech?

15 A. Over there?

16 Q. Yes.

17 A. No, I think we just reassigned her
18 responsibilities as the unit manager and asked her to
19 supervise O&A staff.

20 Q. Was consideration given to any other
21 candidates for that position?

22 A. She was the only one that held the position as
23 unit manager at that point.

24 Q. So, was there no longer a unit manager
25 position in Choices and Solutions when she was

1 reassigned?

2 A. We -- I can't remember how this happened, but
3 we redid some -- we reclassified another position for a
4 unit manager position and then we put that out for, you
5 know -- and had a process, a competitive process for
6 that.

7 Q. So, someone took over the unit manager slot
8 for Choices and Solutions after she left; is that fair
9 to say?

10 A. Yes.

11 Q. And where there hadn't been a unit manager
12 position in O&A since early 2010 or so, there was then
13 at that point a unit manager position?

14 A. Yes.

15 Q. Was there any consideration given as to
16 whether that should have been opened up for applicants
17 to apply for that position?

18 A. Laura was the only person in that position, so
19 there wasn't -- that was the only unit manager position
20 at the time at Nampa.

21 Q. Prior to Mr. Knoff's departure from O&A and
22 the Department, did you or anyone else as far as you
23 know discuss Ms. Roters' assignment to O&A with her?

24 A. Prior to Mr. Knoff's -- no. When Mr. Knoff
25 left is when we determined that we needed to do

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1 something with O&A.

2 Q. What was that something that you needed to do?

3 A. To develop a system at O&A, to develop some
4 programmatic structure.

5 Q. And had it not had programmatic structure
6 before?

7 A. Well, Mr. Knoff had a system, but when he
8 left, then we had to figure out who was going to be the
9 supervisor that could provide it some structure.

10 Q. After Ms. Roters left the Choices and
11 Solutions units, when was it that the reclassification,
12 as you put it, occurred to -- when was it that there was
13 a reclassification that created a unit manager position
14 over in Choices and Solutions again?

15 A. And I can't remember the -- I can't remember
16 that, what that time frame was. I just really can't
17 remember that.

18 Q. Would it have been closely after she left?

19 A. I can't remember that.

20 Q. Who was promoted to that position?

21 A. Eric Cotton.

22 Q. And who was it that participated in the
23 decision to assign Ms. Roters to the O&A unit manager
24 slot?

25 MR. COLLAER: Could you read that question

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1 back.
2 (Record read back.)
3 MR. COLLAER: Thanks.
4 THE WITNESS: It would have been Betty's
5 decision to -- you know, because Betty is responsible
6 for that -- Betty was responsible for that facility.
7 She discussed it with me and Frank Riley about what
8 direction to go. And between the three of us, that was
9 the plan that was developed.
10 Q. (BY MR. SCHOPPE) Is it fair to say that Julie
11 Cloud had conducted an audit of the unit manager
12 position in 2009 or 2010 that resulted in its
13 reclassification?
14 MR. COLLAER: Which unit manager position?
15 MR. SCHOPPE: The O&A unit manager position.
16 THE WITNESS: I believe -- I believe that did
17 happen.
18 Q. (BY MR. SCHOPPE) What changed about the
19 situation at O&A that required a unit manager position
20 again in 2012, which I think that's when this position
21 was set up; is that right?
22 A. That sounds right to me.
23 Q. All right.
24 A. And what I can tell you is that Betty
25 determined she wanted something different to happen in

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1 O&A. And each facility superintendent has the authority
2 to do that kind of restructuring.
3 Q. All right. Do you know why it was she made
4 that determination?
5 A. I can't recall.
6 Q. Do you recall if she shared that with you,
7 even if you don't remember what it was?
8 A. I'm sure we talked about it. I just can't
9 recall.
10 Q. Do you know if Betty ever said that Laura
11 Roters was sent to "clean house" in O&A?
12 A. I don't know that she ever said that, no.
13 Q. Did you ever hear of someone saying that she
14 said that?
15 A. No.
16 Q. Was Laura Roters sent to O&A to get rid of O&A
17 staff?
18 A. No.
19 Q. Did Ms. Roters express any concern to you or
20 Ms. Grimm about the negative consequences falling back
21 on her as a result of her restructuring O&A?
22 A. She did ask me -- I don't know if it was
23 negative consequences, but she did ask me -- she did ask
24 me why she was being sent to O&A. And my response was
25 she had the ability to develop structures, I think is

1 what we talked about.
2 Q. Did she ask for any kind of a written
3 guarantee from either you or Director Grimm -- I'm
4 sorry, Superintendent Grimm, that might insulate her
5 against negative consequences or liability or anything
6 like that in connection with her restructuring of O&A?
7 A. No.
8 Q. You never gave her any kind of a written
9 memorandum of understanding or anything like that?
10 A. Boy, not that I can remember. She was -- she
11 was still on probation as a unit manager.
12 Q. From her time in Choices and Solutions?
13 A. Yes.
14 Q. How long had she been in that position at the
15 time she was transferred to O&A?
16 A. I don't recall, but I know that she was still
17 on probation.
18 Q. And are you aware of whether she had trouble
19 with O&A staff in restructuring O&A?
20 MR. COLLAER: Object to the form of the
21 question. It's vague.
22 THE WITNESS: So, I don't -- do you want to
23 ask me that again? I don't understand what it is that
24 you're asking.
25 Q. (BY MR. SCHOPPE) Did she ever tell you that

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1 there were problems that she encountered in dealing with
2 O&A staff as she went about the task of restructuring
3 O&A?
4 A. Laura and I did not talk. She probably --
5 because I sent Frank Riley out there on detail to help
6 her with that whole restructuring and working with her.
7 And so, my guess is that she and Frank talked about
8 that. But as far as Laura talking with me directly, no.
9 Q. Did Frank or Betty Grimm ever tell you that
10 she was having trouble with O&A staff in restructuring
11 the Department?
12 A. I'm sure they did. I can't remember
13 specifics, but I'm sure that -- I'm sure that they did.
14 Q. Did you ever hear that Betty Grimm told O&A
15 staff that they needed to support Ms. Roters in her
16 changes or find employment elsewhere, or words to that
17 effect?
18 A. I have heard that in these depositions, but I
19 had not heard that before.
20 Q. And did you view that as an appropriate
21 statement for her to have made?
22 A. I wasn't there. I didn't hear the context
23 under which it was said. So, I can't really answer
24 that.
25 Q. Are you aware of whether there were

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1 resignations from among the O&A staff following
2 Ms. Roters' assignment to the position?
3 A. Yes, I am.
4 Q. And what do you know about that?
5 A. I know that Diane Camell went to work for
6 adult correction.
7 Q. Do you know what happened to anybody else?
8 A. I know that -- I can't really remember the
9 time frame for this, but I know that Todd Inman quit. I
10 just can't remember when in all of that, if it was after
11 Laura took over or not, took over O&A or not. I can't
12 remember exactly when that happened.
13 Q. Did you ever learn anything about why anyone
14 left O&A, either resignations or quitting or anything
15 like that?
16 A. No. I believe Todd Inman is a youth pastor
17 and it was I believe he wanted to do more of that type
18 of work. And Diane Camell got a job at IDOC.
19 Q. Did anyone ever tell you that they had quit
20 because -- or left because they were angry or upset, and
21 specifically with respect to Ms. Roters' restructuring
22 of the Department?
23 A. No, I don't remember that, but those wouldn't
24 come to me directly. I do remember one Sunday when I
25 was out there that Todd had told me that he wasn't happy

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1 with the direction things were going, but I think that
2 was more about the not having the ability to lock kids
3 down than it was with Laura, but I can't -- again,
4 because I don't recall when that was. But I know that
5 Todd did when I was out there on a Sunday tell me that
6 he wasn't happy with the direction that things were
7 going in O&A.
8 Q. Did he say why specifically?
9 A. No, he just said he's not happy with the
10 direction.
11 Q. Are you aware of whether any of the O&A staff
12 indicated that they felt the Department was less safe
13 after Ms. Roters started restructuring things?
14 A. No, I did not hear that.
15 Q. Have you ever heard any of the O&A staff
16 described as belligerent or challenging?
17 A. Did I ever hear that?
18 Q. Yes.
19 A. No.
20 Q. Did you ever hear anything about O&A staff
21 fearing to criticize Ms. Roters because of what
22 Ms. Grimm had said?
23 A. That did not come up to my attention, no.
24 Q. Stepping back to the petition that we were
25 talking about earlier, after that all-staff meeting in

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1 which the petition was discussed, what happened? Did
2 you take any steps to address the concerns that were
3 presented there?
4 A. Steps to address the concerns that were
5 presented at the all-staff?
6 Q. Yes.
7 A. Yes. There were groups -- well, I met with as
8 many staff as I could to talk with them about what it
9 was. We took notes of those and then staff compiled all
10 of that and started working on plans to improve the
11 systems.
12 Q. Do you know if those plans were effected?
13 A. I believe that some of them were.
14 Q. Any recollection of which ones in particular?
15 A. No, because there were different groups that
16 were working on different parts of it. Because it was a
17 facility-wide -- you know, there were facility-wide
18 plans. And I left that to the facility to do the
19 improvement plans.
20 Q. Did you ever discuss the petition with Ray
21 Gregston?
22 A. Yes.
23 Q. What did you talk about with him?
24 A. We, Betty and I -- he came to Betty's office.
25 I was there. We talked about the petition and asked him

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1 if in the future if he would follow the regular problem
2 solving process that we have prior to filing another
3 petition. We talked about what some of his concerns
4 were.
5 Q. Is there any policy against petitions?
6 A. No.
7 Q. Are you aware of whether or not staff have
8 ever expressed a belief that the problem solving process
9 doesn't work?
10 A. Not to me they haven't.
11 Q. Have you ever heard of staff -- and actually,
12 it's the same question I was asking before. Not whether
13 they've said it to you, but have you heard that?
14 A. Not -- well, in this lawsuit process I've been
15 made aware of it, but not prior to that.
16 Q. And the same question: Are you aware of
17 whether staff ever expressed concerns that the employee
18 disciplinary process was unfair?
19 A. No.
20 Q. I'm not sure if I had asked you earlier. I
21 think I had mentioned Julie McCormick as being possibly
22 a subject of those concerns about hiring. Are you aware
23 of whether that was a topic that came up at the
24 all-staff meeting?
25 MR. COLLAER: Objection, that's been asked and

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1 answered, but go ahead.
2 THE WITNESS: Yes.
3 (Reporter clarification.)
4 THE WITNESS: I said yes, you know, I've
5 already answered that, and that was that it was my -- if
6 I restate, what I said before was I thought it was just
7 about Laura, I did not believe that it was about Julie.
8 Q. (BY MR. SCHOPPE) I just couldn't recall. I'm
9 sorry. At any point in time did you hear of staff
10 concerns about Ms. McCormick having been promoted to the
11 position of supervising safety and security officer
12 without having enough supervisory experience?
13 A. I did not hear that, no.
14 Q. No one ever told you that that was a concern?
15 A. No.
16 Q. And that would include Betty Grimm or Julie
17 Cloud?
18 A. Right.
19 Q. Okay.
20 A. I did not hear that there was concern.
21 Q. Do you know if Pat Thomson from Human
22 Resources ever told any employees that there should be
23 no more petitions?
24 A. I don't know that. I don't know that he said
25 that.

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1 Q. All right. Did you ever hear that he did?
2 A. No.
3 Q. In your role as the superintendent, do you
4 have a job description, a written job description?
5 A. I believe you're asking me in my role as the
6 Director?
7 Q. Did I say "superintendent"?
8 A. Yes.
9 Q. I'm sorry.
10 A. It's listed, my responsibilities are listed in
11 the Juvenile Corrections Act, you know, what I'm
12 responsible for. As far as a specific job description,
13 I've never seen one.
14 Q. Is there anyone more responsible than you are
15 for the security of the facility?
16 MR. COLLAER: Object to the form of the
17 question as vague, calls for speculation, also calls for
18 a legal conclusion.
19 THE WITNESS: Everyone is responsible for the
20 security of the facility, everyone that works there and
21 ultimately me.
22 Q. (BY MR. SCHOPPE) Is it fair to say that the
23 buck stops with you?
24 MR. COLLAER: The same objection.
25 Q. (BY MR. SCHOPPE) You can still answer.

1 A. Ultimately the Department is my
2 responsibility.
3 Q. With respect to the Idaho Administrative
4 Procedures Act, IDAPA, does that apply to the manner in
5 which juvenile corrections centers are to be operated?
6 A. No, it's not, but there is a piece in there
7 that says that the -- what we do with contract providers
8 should be no stricter than what we do at our facilities.
9 But we do not have to comply with those, nor are we
10 licensed.
11 Q. What do you mean by "licensed"?
12 A. Our facilities aren't licensed.
13 Q. By whom?
14 A. Anybody.
15 Q. Who would license the facility?
16 A. The contract providers are licensed by the
17 Department of Health and Welfare.
18 Q. Why is it that facilities are not licensed? I
19 mean, is there a structural reason for that or -- I just
20 don't know.
21 MR. COLLAER: Objection, calls for a legal
22 conclusion.
23 Q. (BY MR. SCHOPPE) If you know.
24 A. Because we are a department ourselves.
25 Q. Okay. I'm sorry, it seems obvious to you but

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1 not to me.
2 MR. COLLAER: Counsel, it's been just over an
3 hour. Is this a good time to take a short break? I
4 presume you're going to need to go till about 5:00.
5 MR. SCHOPPE: I'm not quite sure yet. We'll
6 assume so but hope for something better than that.
7 MR. COLLAER: Sure.
8 (Recess held.)
9 Q. (BY MR. SCHOPPE) With respect to the manner
10 in which lockdowns are now treated in O&A, do those same
11 policies or rules apply in other parts of -- or in any
12 of the other juvenile corrections centers?
13 A. As far as the 24-hour due process and all of
14 that, if a young person needs to remain to be locked
15 down, that there has to be a due process hearing every
16 24 hours, yes.
17 Q. And how about with respect to detention
18 centers? Do the same rules apply?
19 MR. COLLAER: Are you talking about state
20 facilities or what?
21 Q. (BY MR. SCHOPPE) If there's a difference,
22 please educate me. We'll start with state facilities.
23 A. State facilities are under our jurisdiction
24 and the policy applies. Detention facilities are county
25 facilities and it's county rules. So, you know, they

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1 have a different set of criteria.
2 Q. Do you know what criteria it is that they
3 follow?
4 A. No, I don't.
5 Q. Is the National Juvenile Justice -- are you
6 familiar with a group called National Juvenile Justice
7 or something like that? Does it ring any kind of a
8 bell?
9 A. There is the Coalition of Juvenile Justice,
10 CJJ, that is national. There is the National Juvenile
11 Detention Association. There's CJCA, which we've
12 already talked about. I don't know of a National
13 Juvenile Justice.
14 Q. Did Mr. Knoff provide you with a study on the
15 guidelines that he had been applying to lockdowns in
16 O&A?
17 A. Mr. Knoff provided me with some information
18 and he had done some research. And that research, he
19 looked at detention facilities, which are, you know, a
20 different facility than institutions, state correctional
21 institutions.
22 Q. At some point did you take the view that
23 Mr. Knoff was not following your instructions with
24 respect to the lockdown policy in O&A?
25 A. Mr. Knoff worked for Superintendent Grimm, you

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1 know. So, she knew what -- that if kids were going to
2 be locked down that they had to have due process every
3 24 hours.
4 Q. Who was it that made the decision to terminate
5 Mr. Knoff?
6 A. That would have been his supervisor.
7 Q. Ms. Grimm?
8 A. Yes.
9 Q. Have there been any changes to the way in
10 which staff, whether security staff or rehab staff or
11 anyone else, are supposed to react to angry or upset
12 juveniles wandering around the facility, whether by
13 impeding their progress or following them around,
14 anything like that?
15 MR. COLLAER: Object to the form of the
16 question, it's vague, compound.
17 Q. (BY MR. SCHOPPE) It is vague and compound,
18 I'll grant you that, but I think it actually relates to
19 the staff assists that I had mentioned earlier.
20 A. Okay.
21 Q. And I understand that that's kind of the
22 equivalent thing there, if that helps you understand.
23 MR. COLLAER: Counsel, if you have a document
24 or something she can look at, maybe that can help you.
25 MR. SCHOPPE: I don't.

1 THE WITNESS: I can tell you that what the new
2 superintendent is doing is rather than restrain kids
3 that are getting up and walking to their room, what
4 she's asking is to help them de-escalate their behavior
5 so that we have less restraints at that facility. And
6 if that's what you mean by "staff assists" to help them
7 go to their room or staff assists to walk with them,
8 then yes, I am aware of that.
9 Q. (BY MR. SCHOPPE) Why is it important that
10 there be fewer restraints?
11 A. Because if we have fewer restraints, we're
12 working with kids in a programmatic structure to help
13 them provide -- to provide them with skills to
14 de-escalate their anger.
15 Q. Is that something that's supposed to be
16 evaluated on a case-by-case basis?
17 A. It should be evaluated on a case-by-case
18 basis.
19 Q. Have you ever heard of any staff express any
20 concern that that policy that you've just described
21 posed a danger to juveniles or staff?
22 A. No, I have not.
23 Q. Or that it might result in -- or does result
24 in damage to state property?
25 A. No, I have not. I have not heard that that

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1 particular change in us working to de-escalate kids has
2 promoted damage to state property.
3 Q. Have you heard of any rumors of sexual abuse
4 of juveniles on the part of former employee Valerie
5 Lietau?
6 A. I have not specifically heard those rumors. I
7 heard that last week at Betty's deposition.
8 Q. Are you aware of any pending investigations
9 into allegations like that?
10 A. Not to my knowledge.
11 Q. The same thing with respect to former employee
12 Marcie Harris.
13 A. No, not to my knowledge or recollection.
14 Q. Do you know if Ms. Harris was ever disciplined
15 for kissing a juvenile?
16 A. I can't even remember Marcie Harris, to tell
17 you the truth.
18 Q. That's okay. The same question with respect
19 to Lisa Bradley.
20 A. What is the question again?
21 Q. Are you aware of any reports or rumors of
22 allegations of sexual abuse of juveniles on her part?
23 A. No, I am not.
24 Q. I don't mean to keep you hanging, but it's a
25 good thing if I'm crossing things off on this outline of

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1 mine.
2 Are you aware of whether Julie McCormick ever
3 expressed a bias against hiring veterans or correctional
4 officers or law enforcement?
5 A. I'm not aware of that.
6 Q. Do you know one way or the other whether
7 veterans are supposed to be given special treatment in
8 connection with hiring decisions?
9 A. Yes, they get additional points. So, they go
10 to the top of the list.
11 Q. That's the one star, two star system?
12 A. Yes.
13 Q. Have you ever heard the report that Betty
14 Grimm had a preference against hiring veterans or
15 correctional officers or law enforcement?
16 A. No, I have never heard that. We have a lot of
17 past correctional officers and veterans at all three of
18 our facilities.
19 Q. Did you ever have any concern that Laura
20 Roters might take legal action in connection with the
21 revocation of the offer of the unit manager position to
22 her?
23 A. I don't know if I had that concern, but I
24 guess it could have happened.
25 Q. Do you know if the decision was made to hire

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1 Ms. Roters for the unit manager position the first time
2 around before all of the other applicants were
3 interviewed?
4 A. So --
5 MR. COLLAER: Could you repeat the question,
6 please.
7 THE WITNESS: Could you ask that --
8 MR. COLLAER: Could you read the question
9 back.
10 (Record read back.)
11 THE WITNESS: No.
12 Q. (BY MR. SCHOPPE) Are you aware of any
13 allegations of time card fraud involving Roberto
14 Coronado?
15 A. No, I'm not.
16 Q. How about regarding LaMark Judkins?
17 A. No, I'm not. Oh, aware of any time card fraud
18 with LaMark?
19 Q. Or allegations of that.
20 A. No.
21 Q. Debbie Siegel?
22 A. No.
23 Q. Maria Ferrara?
24 A. No.
25 Q. Do you know if Julie Cloud was monitoring

1 Rhonda Ledford's communications, e-mail or people she
2 spoke with in 2011?
3 A. I know Julie Cloud was monitoring it after the
4 lawsuit was filed for a bit, but 2011 would have been
5 before the lawsuit.
6 Q. Okay.
7 A. So, no.
8 Q. Do you know why Ms. Cloud was monitoring
9 Ms. Ledford's communications or e-mails after the
10 lawsuit was filed?
11 A. No, I just was made aware that she was.
12 Q. Did you ever speak with her about that?
13 A. I -- she told me that she was monitoring.
14 Q. She didn't tell you why?
15 A. No.
16 Q. Did you wonder why?
17 A. Well, I figured it had to do with the lawsuit.
18 And, you know, anybody can monitor our e-mails at any
19 time.
20 Q. Is that standard practice with employees who
21 file lawsuits?
22 A. This is the first lawsuit, so -- that has been
23 filed.
24 Q. Do you know if she was monitoring the e-mail
25 of any other Plaintiff?

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1 A. No, I don't. I don't know that.
2 Q. Is there any special process that she would
3 have had to have gone through to request that type of
4 access, as far as you know?
5 A. She would have had to go through IT.
6 Q. As far as you know, are there any criteria
7 that govern that kind of access?
8 A. Not to my knowledge.
9 Q. I'm not sure if I asked you about Ms. Cloud
10 and Ms. Grimm monitoring Ms. Ledford's communications in
11 2011. Are you aware of whether Ms. Grimm was monitoring
12 those communications and e-mails?
13 A. I was not aware of that.
14 Q. Can you think of any reasons why they might
15 have been doing that, if they were?
16 MR. COLLAER: Objection to the form of the
17 question, calls for speculation. If you know what they
18 were thinking, go ahead.
19 THE WITNESS: I don't know what they were
20 thinking, no, if they were doing it.
21 Q. (BY MR. SCHOPPE) Do you know of any reason
22 why Ms. Ledford's communications should have been
23 monitored in 2011?
24 MR. COLLAER: Object to the form of the
25 question, it's vague and calls for speculation.

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1 THE WITNESS: Again, I didn't know they were
2 being monitored, so I don't know the answer to that, no.
3 Q. (BY MR. SCHOPPE) But you don't know of any
4 reason all by yourself?
5 A. All by myself, I would know no reason to
6 monitor Rhonda Ledford's e-mails.
7 Q. Do you know if Ms. Cloud ever said that,
8 "Ms. Ledford keeps things stirred at the facility"?
9 A. I had heard that. I don't know if it was
10 Julie that told me that, but I had heard -- I have heard
11 that.
12 Q. Do you know who you've heard that from?
13 A. No.
14 Q. Do you know what that meant?
15 A. No, I just had heard it.
16 Q. Did you have the impression that that was a
17 bad thing when you heard it?
18 A. I don't know if I had an impression that it
19 was a good thing or a bad thing, to tell you the truth.
20 Q. Did you ever hear any allegations from anyone
21 including Ms. Cloud that Rhonda was gossiping with
22 anyone?
23 A. I hadn't heard that. The pot stirring I had
24 heard. I hadn't heard the gossiping.
25 Q. Had you ever heard any allegation that

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1 Ms. Ledford was disgruntling or riling other employees?
2 A. No, I hadn't heard that. I mean, before the
3 lawsuit.
4 Q. Had you heard that since the lawsuit?
5 A. Well, just the people that were involved in
6 the lawsuit. I mean, I just -- those people that were
7 involved in the lawsuit, I figured that she had talked
8 with them. But I hadn't heard that, I had just figured
9 that those people were, you know, that she had talked
10 with those folks.
11 Q. Let me ask you about discipline against the
12 Plaintiffs. Have you ever had any involvement in
13 disciplinary actions involving Rhonda Ledford, to start
14 with?
15 MR. COLLAER: Object to the form of the
16 question, assumes that disciplinary action was ever
17 taken. Could you identify what action you're talking
18 about?
19 MR. SCHOPPE: Any disciplinary action.
20 MR. COLLAER: The same objection.
21 THE WITNESS: I am made aware of actions, but
22 as far as disciplinary actions, it's really the
23 supervisor and the facility superintendent that is
24 responsible for disciplinary actions in all three of the
25 facilities.

1 Q. (BY MR. SCHOPPE) Did you have any involvement
2 in developing a disciplinary action against Ms. Ledford
3 in connection with a comment that she made at an
4 all-staff meeting to the effect that she said "Really"?
5 MR. COLLAER: Object to the form of the
6 question as incomplete. What disciplinary action are
7 you referring to?
8 MR. SCHOPPE: Any disciplinary action.
9 MR. COLLAER: If you're aware of any, describe
10 it. If it's connected to that, describe it.
11 THE WITNESS: That wasn't really an all-staff
12 meeting. It was Betty's retirement. And as far as
13 disciplinary action, I did call her in to my office and
14 talk with her about that. But as far as -- I mean, I
15 talked with her directly about that. And as far as what
16 we agreed to is that that would not go into her
17 personnel file.
18 Q. (BY MR. SCHOPPE) What was your concern at the
19 time?
20 A. It was not promoting a respectful workplace.
21 Q. What was not promoting a respectful workplace?
22 A. Leaving a retirement party and saying
23 "Really."
24 Q. Do you know why she left?
25 A. Why she left?

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1 Q. Yes.
2 A. She left to do her work. I had no problem
3 with her leaving. I had a problem with her saying
4 "Really" as she was walking out the door.
5 Q. You viewed that as disrespectful?
6 A. Yes.
7 Q. Towards whom?
8 A. It was I believe that Betty was giving kudos
9 to Laura for what was happening in O&A and thanking her
10 for that.
11 Q. And what was --
12 A. And that's --
13 Q. I'm sorry, go ahead.
14 A. That's kind of what I remember. It had to do
15 with Laura. And as far as the specifics of what that
16 was about, I can't really recall, but as Rhonda left she
17 said "Really" that everyone heard.
18 Q. And what was it that Ms. Roters was being
19 congratulated for in O&A?
20 A. Well, that's what I said. I can't really
21 recall all of that, what it was about, but it was
22 Betty's retirement and she was just kind of talking
23 about what was going on in the facility.
24 Q. Have you ever heard of reports that Ms. Roters
25 was disrespectful to staff or juveniles?

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1 A. I have not heard that. That has not come to
2 my attention.
3 Q. Have you ever heard that she called a juvenile
4 a "dumb ass"?
5 A. I read that in I think some of the stuff that
6 you -- that Phil had. Prior to that I had no idea that
7 that had happened.
8 Q. Do you know if any steps have been taken to
9 investigate whether that happened?
10 A. I don't know because I didn't -- I hadn't
11 heard about it up to that point.
12 Q. After you did hear about it, did you look into
13 the situation?
14 A. No, I didn't.
15 Q. Any particular reason why not?
16 A. I'm not Laura's supervisor.
17 Q. Is that the kind of thing that you would want
18 a supervisor to look into?
19 A. If it had been reported, yes.
20 Q. And I said this before, but pardon the
21 vulgarity. Have you ever heard that Laura Roters called
22 a former employee a "cunt"?
23 A. No, I have never heard that.
24 Q. Would you regard that as more or less serious
25 than Ms. Ledford's "really" comment?

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1 MR. COLLAER: Object to the form, it's vague
2 and it's an incomplete hypothetical, assumes facts not
3 in evidence.
4 THE WITNESS: I don't know the context.
5 Q. (BY MR. SCHOPPE) Is there any context in
6 which calling someone that word, the C word, would be
7 appropriate?
8 A. No.
9 Q. Do you recall being involved at any point in
10 the consideration of Ms. Ledford's family medical leave
11 application in 2011?
12 A. I was made aware of it. It was -- it was
13 something between her and her supervisor that they were
14 working on.
15 Q. Apart from what we've already talked about,
16 have you ever been involved in any other disciplinary
17 action involving Ms. Ledford?
18 A. Disciplinary action?
19 Q. Yes.
20 A. Have I been involved in it?
21 Q. Yes.
22 A. I mean, I've been made aware. Not involved.
23 Q. Have you ever been involved in any
24 disciplinary action involving Tom de Knijf?
25 A. I have been made aware and -- I've been made

1 aware of disciplinary action and involved when it has
2 come to my level, yes.
3 Q. And what was your involvement?
4 A. The last disciplinary action, there was a NOCA
5 delivered and a response to the NOCA. And I supported
6 the response and we changed the disciplinary action as a
7 result of the response that Mr. De Knijf provided.
8 Q. Do you recall if that response included
9 reference to Ms. Roters calling a juvenile a "dumb ass"?
10 A. No, I don't recall that.
11 Q. Have you been involved in any disciplinary
12 action involving Diane Miles?
13 A. I haven't been involved in any disciplinary
14 actions. I've been made aware. Again, because I'm not
15 her supervisor, I've been made aware of those.
16 Q. What were you made aware of?
17 A. That she received a second DUI.
18 Q. And was there a disciplinary action -- and did
19 that happen in March of this year as far as you know?
20 A. I can't remember exactly when that happened,
21 but that seems -- it is about that time frame.
22 Q. And what was the disciplinary action taken
23 against her?
24 A. Again, I was made aware that I believe it was
25 turned over to POST. You know, we have to report any

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1 kind of criminal activity to POST.
2 Q. Does POST have any kind of requirements on
3 criminal backgrounds in making hiring decisions?
4 A. Yes, they do have requirements.
5 Q. Can you tell me about those?
6 A. You cannot be POST certified if you a felony
7 charge. If you have misdemeanors, you have to go before
8 the hearing board and ask for a waiver.
9 Q. Do you know if Julie McCormick had criminal
10 charges before she was hired at the Department?
11 A. I don't know. None of the -- none of that
12 stuff gets to my level unless, you know, like it's a
13 felony charge or something like that that I may or may
14 not get told about. So, no, I don't recall that.
15 Q. Are you aware of whether Diane Miles drove
16 herself to work on a suspended driver's license
17 following her second DUI charge?
18 A. I am not aware that she did. I did receive a
19 phone call from Lynn Viner asking me if I knew what kind
20 of car she drove so that they could determine that. And
21 I told her I had no idea what kind of car she drove.
22 Q. Are you aware of whether she transported
23 juveniles while on a suspended license?
24 A. No, I am not aware that she transported
25 juveniles while on a suspended license.

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1 Q. Do you know anything about expectations that a
2 supervisor might craft for particular employees, in
3 terms of like not quite a job description but a set of
4 expectations?

5 A. Supervisors craft expectations all of the
6 time. When I hire new staff that are at the division
7 administrator level, I sit down and talk with them about
8 what my expectations are. So, my guess is a lot of
9 supervisors do talk with their staff about what their
10 expectations are.

11 Q. Are those expectations typically applied
12 across the board to all employees of a particular
13 classification, like SSOs or rehab techs, or are those
14 more unique, as far as you know?

15 A. Well, I would assume those would be more
16 unique based on what -- because even within each of
17 those classifications there would be different job
18 duties and responsibilities that staff would undertake.
19 And so, depending upon what the supervisor's
20 expectations are for the overall management of their --
21 all of their staff, I would assume that it would depend
22 upon what each one of those -- each one of those
23 relationships between supervisor and employee would be.

24 Q. Are you aware of whether the Plaintiffs'
25 communications are monitored or have been monitored

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1 since the filing of the lawsuit, apart from what we've
2 already talked about?

3 A. Apart from what we've already talked about as
4 far as Rhonda's, I'm not aware, no.

5 Q. You don't know if anybody is keeping track of
6 who they're talking to or anything like that?

7 A. You mean recording? Who is -- who they're
8 talking to and -- I'm not aware of that, no.

9 Q. Have you ever been involved in any
10 disciplinary action involving Shane Penrod?

11 A. No.

12 Q. Are you aware of -- have you ever been
13 involved in any problem solving process involving Shane
14 Penrod?

15 A. Yes.

16 Q. What was that about?

17 A. That was about -- Shane came to me with his
18 attorney to talk about his change in shifts and we -- he
19 presented his case. And I did some research on the
20 change in shifts that dealt with some cross-training and
21 some different things.

22 Q. Was the reason for his change in shift
23 disciplinary?

24 A. It's cross-training.

25 Q. It was not disciplinary?

1 A. No.

2 Q. Did he ever indicate that Julie McCormick had
3 told him that it was disciplinary in nature?

4 A. Not to my knowledge. What we talked about was
5 the cross-training and the importance of having some --
6 all staff know all of the different roles and
7 responsibilities of safety and security officers. And
8 he had been transporting, and just the value of some of
9 his skills and -- being provided for other safety and
10 security officers. And then also other safety and
11 security officers understanding what transport was all
12 about so there was an ability to cover shifts.

13 Q. Was there a program that existed of any kind
14 for that kind of cross-training?

15 A. That would have been up to the supervisor.

16 Q. That would have been Julie McCormick at the
17 time?

18 A. At the time, yes.

19 Q. Do you know if any other employees' shifts
20 were changed for that purpose, cross-training?

21 A. They would have had to have been in order for
22 Shane's shift to have been changed. Other employees
23 would have had to have changed their shifts, but I can't
24 recall who it was.

25 Q. Was that program supposed to apply to all

1 employees?

2 A. All employees at JCC Nampa? All employees
3 within a job class? All employees -- I don't understand
4 your question.

5 Q. How about those that were under
6 Ms. McCormick's supervision?

7 A. The way it was presented to me is that she
8 wanted all of her staff to be able to do any of the
9 expectations under the safety and security officer
10 position at JCC Nampa.

11 Q. Did she specify a time frame for that
12 cross-training rescheduling?

13 A. No.

14 Q. Is that sort of scheduling up to a supervisor
15 or is that something that Director Grimm might mandate?

16 A. The scheduling is up to the supervisor.

17 Q. Superintendent, I'm sorry.

18 A. The scheduling is up to the supervisor. And
19 Superintendent Grimm would not have had any direct
20 contact with what that scheduling was.

21 Q. Do you know of any reason why Ms. Grimm might
22 have wanted to keep Shane Penrod off of day shifts?

23 A. I don't know of any reason why she would want
24 to keep him off day shifts.

25 Q. Did she ever indicate to you that she might

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1 want to keep him off day shifts?
2 A. Ms. Grimm to me?
3 Q. Yes.
4 A. No.
5 Q. Have you ever been involved in any
6 disciplinary action involving Lisa Littlefield?
7 A. No.
8 Q. Or how about any problem solving process
9 involving her?
10 A. I can't recall even being involved in any
11 problem solving with Lisa.
12 Q. Did you ever hear from anyone that
13 Ms. Littlefield had questioned Ms. Roters'
14 qualifications for the position of unit manager in O&A?
15 A. No, I didn't know that she had questioned
16 that.
17 Q. Were you ever aware of Ms. Littlefield ever
18 expressing any unhappiness or dissatisfaction with
19 Ms. Roters as the O&A unit manager?
20 A. It had not been brought to my attention. And
21 I did talk to Ms. Littlefield when I was out there on
22 Sundays and she didn't bring it to my attention.
23 Q. What did you talk about?
24 A. Mostly just, "How are you doing? What's going
25 on? And how about them Bears?" She's a Chicago Bears

1 A. That was the whole process, I mean, of him
2 getting angry with a kid.
3 Q. Is that what you heard?
4 A. Getting angry with a kid, yes, that's what I
5 heard.
6 Q. And who told you that?
7 A. Superintendent Grimm.
8 Q. Did she say where she had heard that?
9 A. I believe there was a disciplinary action that
10 had taken place as a result of that.
11 Q. All right. Did you ever discuss this lawsuit
12 with Frank?
13 A. Yes, I did.
14 Q. When was that?
15 A. I went out there. I can't remember under -- I
16 can't remember why I was out there, but I said, "If
17 anybody wants to talk, you know, please come in and talk
18 with me." And Frank came in to talk about the lawsuit.
19 I mean, he talked about the colors of his shirts.
20 Q. What else did he have to say?
21 A. He said that he had been stressed since the
22 lawsuit started and that because of that his wife had
23 said, "Look at the shirts that you're wearing. Prior to
24 that, you know, you were wearing brightly colored shirts
25 and happy shirts and now obviously you're stressed

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1 fan, so --
2 Q. Yes, she is. Have you ever had any
3 involvement in any disciplinary process against -- a
4 proceeding against Gracie Reyna?
5 A. No.
6 Q. How about any problem solving process
7 involving her?
8 A. No, it was brought to my attention that she
9 was not getting weekend -- I mean, she was having to ask
10 for time off if she wanted a weekend off. That was
11 brought to my attention as far as scheduling, and Human
12 Resources brought that to my attention. I said, "Would
13 you please make sure that Tom is fair and equitable to
14 everybody and everybody gets weekends, you know, that
15 it's fair and equitable." That's the only Gracie Reyna
16 discussion that I've had with anybody.
17 Q. Were you ever made aware or were you ever told
18 that she was considered to be belligerent or challenging
19 by Ms. Grimm or Ms. Roters?
20 A. No.
21 Q. Have you ever had any involvement in any
22 disciplinary proceeding involving Frank Farnworth?
23 A. I was made aware of a disciplinary proceeding.
24 I wasn't directly involved in it.
25 Q. Do you remember what that concerned?

1 again."
2 Q. Was anybody else there when you talked with
3 him?
4 A. Yes, Nancy Bishop was with me.
5 Q. You understood that Frank was a Plaintiff at
6 the time?
7 A. Yes.
8 Q. After your meeting with Frank, did you speak
9 with his supervisor, Jeanette Angell, at all?
10 A. No.
11 Q. Did you speak with Julie Cloud or Pat Thomson
12 or anyone in Human Resources regarding Frank after that
13 discussion with him?
14 A. I may have talked with them about that and the
15 fact that he was thinking about pulling out of the
16 lawsuit because of his stress.
17 Q. Did you talk about anything else with them in
18 that regard?
19 A. No.
20 Q. Have you had any involvement in any
21 disciplinary proceeding involving Addison Fordham?
22 A. No.
23 Q. How about any problem solving processes
24 involving him?
25 A. Not that I recall. I don't recall anything

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1 with Addison Fordham.
2 Q. And I had skipped that section with
3 Ms. Ledford. Have you ever been involved in any problem
4 solving processes with her?
5 A. Yes.
6 Q. What was that about?
7 A. That was about -- I actually went out to the
8 facility and we talked about her FML and the stress that
9 she was under.
10 Q. Did she tell you why she was stressed?
11 A. We -- what I remember us talking about, the
12 specific was her disciplinary action on -- I can't
13 remember exactly, but she was asked to leave the AUF
14 training because she was upset. And in our discussion,
15 we determined that there were some things that were in
16 the disciplinary action that could be pulled out, and we
17 pulled a lot of the stuff that we discussed out of that
18 disciplinary action.
19 Q. Have you ever been involved in any
20 disciplinary process or proceeding against Jo McKinney?
21 A. No.
22 Q. How about a problem solving process?
23 A. No, not with Jo.
24 Q. Are you aware that Jo has alleged age
25 discrimination in the workplace?

1 together.
2 MR. COLLAER: Okay.
3 MR. SCHOPPE: Off the record.
4 (Recess held.)
5 MR. SCHOPPE: Okay, back on the record.
6 Q. (BY MR. SCHOPPE) Are you aware of an incident
7 involving sort of a field trip of juveniles with staff
8 to Shafer Butte last year, 2012?
9 A. Yes, I'm aware of that.
10 Q. And what is it that you know about that?
11 A. I know that there was a field trip up there
12 and that one of the staff got caught in a ravine. And
13 so, it took them longer to get him out than they
14 thought.
15 Q. Do you know whether the staff involved were
16 following the Department policy of eyes on juveniles at
17 all times?
18 A. It was my understanding that yes, they were,
19 that the kids, you know, had supervision. And I
20 actually asked afterwards if that was the case because I
21 had heard otherwise that it wasn't. And I was told that
22 yes, there were eyes on the juveniles at all times.
23 Q. All right. And who did you ask about that?
24 A. I asked Betty to look into it for me and she
25 did.

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1 A. With the lawsuit, yes.
2 Q. Are you aware of anyone in Jo's office or any
3 of her co-workers expressing any negative or derogatory
4 comments about her age?
5 A. No, I am not aware of any of those.
6 Q. Have you ever investigated those allegations
7 yourself?
8 A. I have not. I know that Human Resources did
9 and did not come up with anything.
10 Q. Did they issue a written report on that?
11 A. I don't know if they issued a written report.
12 Q. Do you know who investigated that?
13 A. Julie looked into it.
14 Q. Julie Cloud?
15 A. Yes.
16 Q. I'm not sure if I've already asked you about
17 Kim McCormick. Did you ever participate in any
18 disciplinary proceedings against her?
19 A. No, I haven't. You asked me about -- I think
20 I told you retaliation. That's our discussion with Kim.
21 Q. And was that a problem solving discussion or
22 was that just a discussion?
23 A. It was just a discussion.
24 MR. SCHOPPE: If we can take a break, I have a
25 few exhibits to go through. I just want to pull those

1 Q. Do you recall the staff members involved?
2 A. I -- it was Nicholas Tinker's group and so he
3 was the group leader. I don't recall the other staff.
4 Q. Are you aware of staff ever reporting concerns
5 about unidentified visitors being allowed into the
6 Department facilities?
7 A. No.
8 Q. Or visitors without identification?
9 A. Okay, so you mean visitors coming to the
10 facility to visit kids without identification?
11 Q. Yes.
12 A. I am not aware of that. I was made aware of
13 that at Betty's deposition.
14 Q. Is that something that is against Department
15 policy?
16 A. What's against Department policy is for
17 visitors to be allowed that aren't part of the approved
18 visitors list.
19 Q. Do you know whether or not juveniles are
20 permitted to wear gang colors at JCC Nampa?
21 A. Not to my knowledge.
22 Q. Would that be a violation of policy?
23 MR. COLLAER: Object to the form of the
24 question as vague. Go ahead.
25 THE WITNESS: I mean, I -- kids are, when they

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1 get to the reintegration level they can wear their own
2 clothes. So, you know, I don't know if in that -- it
3 would not be appropriate for them to wear gang colors,
4 but I'm not aware that they're allowed to wear gang
5 colors. Do they get around that? I mean, across the
6 nation if everybody is wearing the same uniform, they'll
7 figure out a way to determine that. So, I don't -- I
8 don't know. It has not been brought to my attention
9 that kids are wearing gang colors. No one has told me
10 that that's what's happening and that it's being
11 allowed.

12 Q. (BY MR. SCHOPPE) Have any staff ever -- or
13 have you ever heard that staff have reported concerns
14 about juveniles escaping -- let me narrow that down --
15 concerns about it being too easy for juveniles to escape
16 the JCC Nampa facility in particular?

17 A. Right after I became the Director kids escaped
18 by climbing up on a building and jumping off. But as
19 far as -- I mean, I wasn't made aware of that. And we
20 changed how that structure was so that -- but up to --
21 you know, since then I've not been made aware of it
22 being easy for kids to escape from JCC Nampa.

23 Q. Have you ever heard of reports by staff to the
24 effect that contraband in the possession of juveniles
25 can be used for weapons or other dangerous purposes?

1 spending time with Julie McCormick and Betty one
2 afternoon, and provided guidance for -- it looks to me
3 for their continued assistance once Ms. Ledford returns
4 to Nampa.

5 Q. Do you know what that was about, what that
6 referred to or why you would have been copied on that?

7 A. Probably because I'm Betty's supervisor. And
8 my guess is --

9 MR. COLLAER: Don't guess on anything. If you
10 know, you know.

11 THE WITNESS: Yeah. I'm sure I was copied
12 because I'm Betty's supervisor.

13 Q. (BY MR. SCHOPPE) Does she copy you on all of
14 her e-mails?

15 A. A lot of her e-mails, yes.

16 Q. Do you know what the particular issue was that
17 Ms. Grimm was concerned with about Ms. Ledford returning
18 to Nampa?

19 MR. COLLAER: Objection to the form of the
20 question, calls for a -- assumes facts not in evidence,
21 calls for speculation.

22 THE WITNESS: No. Betty would periodically
23 copy me on e-mails especially with other people that I
24 am -- that I supervise. So, in this case what I would
25 see that I could use is the customer assistance that

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1 A. I'm sorry, would you ask that question again.

2 Q. Sure. Have you ever heard of reports by staff
3 that contraband within the facility can be used as
4 weapons by juveniles?

5 A. I have been made aware of contraband that has
6 been found in the facility that could have been used as
7 weapons by the juveniles, if that was the question that
8 you were asking.

9 Q. Are you aware of any steps that have been
10 taken to ensure that juveniles can't create weapons?

11 A. Yes, staff on an ongoing basis look at ways to
12 assure that kids can't be creating weapons. And if
13 there are objects that are missing, then there's a
14 search of the rooms at all three facilities.

15 Q. Is that a policy that's followed at JCC Nampa
16 in practice?

17 A. Yes, to my knowledge it is followed.

18 Q. All right, I have a few documents to ask you
19 about. If you can take a look at that document, let me
20 know if it's something you recognize. And take your
21 time.

22 A. (Reviewing document.)

23 Q. Can you identify that document?

24 A. It's a -- I was copied on it. It's a thank
25 you note from Betty Grimm to both Julie and Pat on their

1 Julie provided, so that in her performance evaluation I
2 could say that, "It looks like you've created good
3 customer assistance."

4 Q. (BY MR. SCHOPPE) All right. So, is it fair
5 to say that you're not sure what it was that Ms. Grimm
6 was seeking continued assistance with with respect to
7 Ms. Ledford?

8 A. No, I don't know what that was about.

9 Q. Okay, that's fine. If you can hand that over
10 to the Court Reporter there we'll mark that as the next
11 exhibit whenever you're ready.

12 (Exhibit 144 marked.)

13 Q. (BY MR. SCHOPPE) All right, here is the next
14 one. And the same drill. If you can take a look at it,
15 let me know what that document is. Take all of the time
16 you need.

17 MR. COLLAER: Are you going to have this
18 marked?

19 MR. SCHOPPE: Yes.

20 MR. COLLAER: So, that will be 145?

21 THE COURT REPORTER: Yes.

22 (Exhibit 145 marked.)

23 THE WITNESS: (Reviewing document.) Okay.
24 So, this would have been in March and it would have --
25 so, obviously I sent it to all staff. And someone had

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1 voiced concerns and to tell you the truth, I can't
2 remember who had voiced concerns, but what I'm telling
3 people is, you know, "Don't keep it quiet. If there's
4 something, then bring it forward."

5 Q. (BY MR. SCHOPPE) All right. So, you don't
6 recall who brought those concerns to your attention?

7 A. No. I can't even tell you if this had to do
8 with Nampa or St. Anthony or Lewiston.

9 Q. With respect to the violations of state and
10 federal laws in reference to "discrimination,
11 harassment, retaliation, sexual misconduct, violation of
12 ethics, and other issues" that are laid out in that
13 e-mail, do you have any recollection as to what it was
14 you had heard?

15 A. No, I really don't have any recollection.

16 Q. Do you have any idea who it was that had
17 raised, made those, quote, "vague references"?

18 MR. COLLAER: Objection, that's been asked and
19 answered, but go ahead.

20 THE WITNESS: No. Again, as I said, I can't
21 remember if this was even from Lewiston, Nampa, or
22 St. Anthony.

23 Q. (BY MR. SCHOPPE) After this do you recall if
24 anyone came to you with their concerns?

25 A. No, I don't recall. But I did Director's

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1 Reflections ongoing asking people, "If you have any
2 issues, please give me a call."

3 Q. Okay, that's good for that one. Thank you.
4 Here is another document here.

5 (Exhibit 146 marked.)

6 THE WITNESS: (Reviewing document.)

7 Q. (BY MR. SCHOPPE) Is that a document that you
8 recognize?

9 A. I recognize this document. This is after the
10 lawsuit has been filed.

11 Q. Okay.

12 A. And it's a matter of -- there was a lot of
13 just unrest at the Nampa facility and just making sure
14 that everybody is respectful of each other.

15 Q. Do you know what the gossiping and rumors
16 were?

17 A. I don't know specifically what the gossiping
18 and rumors were, but I wanted -- you know, I totally
19 supported this e-mail going out and wanting people to do
20 their jobs.

21 (Exhibit 147 marked.)

22 MR. SCHOPPE: This will be Exhibit No. 147?

23 THE COURT REPORTER: Yes.

24 THE WITNESS: Okay, so, this is to Vicki.

25 Q. (BY MR. SCHOPPE) So, that's an e-mail you

1 wrote?

2 A. Yes.

3 Q. Is this also after the lawsuit was filed?

4 A. Yes.

5 Q. And Vicki works with the Division of Human
6 Resources; is that right?

7 A. Yes, she does.

8 Q. What is her title there?

9 A. She is the -- well, she's the division
10 administrator of the Division of Human Resources.

11 Q. Did you hear back from her in response to your
12 request that she call you?

13 A. I'm sure I did, yes.

14 Q. Do you recall what you might have spoken about
15 with her after that?

16 A. I don't recall, but I remember getting
17 together with her, which is probably when this was, is
18 to talk about what next steps I needed to do --

19 Q. Okay.

20 A. -- for the Department, in making sure that we
21 could continue moving the Department forward.

22 Q. That's what was on your mind when you wrote
23 this e-mail?

24 A. Yes.

25 Q. And what did she tell you about those next

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1 steps?

2 A. At one point, I don't know if it was in that
3 conversation or some time through there, we talked about
4 her staff possibly coming out and doing some training on
5 culture change and helping staff understand changes in
6 culture. And both she and Kim Toryanski said, "You
7 know, if you want to do that, then we can come out and
8 do some training."

9 Q. What did you mean by "culture change"?

10 A. What Vicki believed is that maybe part of the
11 reason that people were unhappy with -- unhappy at Nampa
12 was because they were unhappy with the culture of the
13 facility.

14 Q. Any people in particular?

15 A. No, I -- what I said is, "What can I do to
16 make sure that we continue to move forward with the
17 Department?" And the response was, "You know, if you
18 want us to help with some culture change."

19 Q. Did that ever happen?

20 A. No.

21 Q. Any idea why not?

22 A. There's so much going on at the Department
23 that we figured we would just get things kind of settled
24 down again.

25 Q. Okay, thank you.

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1 A. You're welcome.
2 Q. That's all for that one.
3 (Exhibit 148 marked.)
4 THE WITNESS: Yes, I remember this e-mail.
5 Q. (BY MR. SCHOPPE) Okay, you reference at the
6 top: "Some of the questions I won't answer because of
7 the lawsuit." What questions were you referring to?
8 A. There was a promotional video that PbS was
9 doing and I just told them when I went to Houston that,
10 "We are in the middle of the lawsuit." And I didn't
11 know what questions they were going to ask, but I just
12 wanted them to know that we were in the middle of a
13 lawsuit and that some things I just wouldn't -- I
14 wouldn't answer.
15 Q. All right. Speaking of lawsuits, was there a
16 lawsuit filed by Diane Floyd-Miller that you're aware
17 of?
18 A. Yes. That was before my time. It was -- it
19 started before my time.
20 Q. Are you aware of what those allegations were?
21 A. I can't recall what those allegations were. I
22 know we settled.
23 Q. Do you recall if that was a whistle-blower
24 lawsuit as well?
25 A. I don't recall what it was because like I

1 leadership team, but as far as publishing data, we can
2 pull that information for you, but we don't -- I mean,
3 there's not a report that says: "These are our" -- you
4 know, we work on providing that information to the
5 leadership team.
6 Q. All right. Who is the leadership team?
7 A. It's -- the leadership team is made up of the
8 three superintendents, which are Kevin Bernatz, Skip
9 Greene, and Lynn Viner. Mike Seifrit with IT, Scott
10 Johnson with administrative services, Marcy Chadwell
11 with the community operations and program services,
12 Julie Cloud with Human Resources. Our staff support is
13 Zane Baird and Monty Prow, who is quality improvement.
14 I just put Monty Prow on the leadership team, and me.
15 Q. And do you meet regularly?
16 A. Yes. I can't remember anybody else that's on
17 it, but yes, we meet regularly. We meet all day once a
18 month and a half day if there's -- if there are things
19 that we need to discuss. But there's an all-day meeting
20 once a month.
21 (Exhibit 149 marked.)
22 Q. (BY MR. SCHOPPE) Here is the next document.
23 I think we're at 149 now.
24 A. (Reviewing document.) I do remember this
25 e-mail.

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1 said, it was before my time.
2 Q. Before your time as Director, you mean?
3 A. Before my time as Director where I would get
4 involved in that type of personnel information.
5 Q. Have you ever submitted -- I know I had asked
6 you about deposition testimony before. Have you ever
7 submitted any affidavits in connection with any lawsuit
8 or claim made against the Department?
9 A. Not to my knowledge. But again, Andrew,
10 remember, I'm not an attorney so there could have been
11 something that I did, but not to my knowledge, I did
12 not.
13 Q. That's all I need. Whatever you know
14 yourself.
15 A. Okay.
16 Q. If I wanted to look at statistics regarding
17 safety within The Department of Juvenile Corrections at
18 any of the facilities and with respect to incidents of
19 violence involving staff or juveniles, things like that,
20 is there a resource that I could look at? Like is there
21 a PbS publication or any kind of numbers that are
22 published by the Department?
23 A. That are published by the Department? I
24 don't -- there is PbS data that we could pull for you.
25 Do we publish that? We provide ongoing reports to the

1 Q. Okay.
2 A. So -- yes, I do remember this e-mail.
3 Q. Okay.
4 A. I had forgotten about that until just now.
5 Q. With respect to paragraph 2, a portion, would
6 you mind reading that starting with "Julie's reason."
7 A. "Julie's reason for wanting a new list is that
8 many have backgrounds that are military, policy, or
9 corrections and they tend to be black and white and she
10 wants someone more gray. However, she has not talked
11 with them. It is only on paper that she is basing her
12 decision."
13 Q. Did it give you any cause for concern that she
14 was indicating any kind of a preference against
15 interviewing or hiring applicants with military
16 backgrounds?
17 A. She ended up going back and interviewing the
18 staff. So, you know, that's why it was a done deal.
19 No, she went back and interviewed. We didn't do a new
20 hiring list.
21 Q. Did it concern you that she had ranked that as
22 a quality that she apparently viewed as negative?
23 A. Yes, it did concern me. However, I did forget
24 that this had happened.
25 Q. Okay.

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1 A. So, I apologize for that.
2 Q. That's all right. Did you ever address that
3 specific point with her, with respect to applicants with
4 military backgrounds?
5 A. With Julie McCormick directly?
6 Q. Yes.
7 A. No, I would not have. I would have directed
8 that to Betty and had Betty. Because Betty was her
9 supervisor, I wasn't.
10 Q. All right. Did you ask Betty to do that?
11 A. I am sure I did talk with her about that
12 because she did end up interviewing folks from that
13 list.
14 Q. And you're sure that you spoke with her about
15 the veterans, military background issue?
16 A. I am 95 percent sure.
17 Q. All right. Do you know when it was that you
18 would have spoken about that with Betty?
19 A. Probably February 23rd.
20 Q. All right.
21 A. Or February 22nd.
22 Q. Pretty quickly?
23 A. Right, yeah.
24 Q. Do you know if Julie Cloud ever indicated any
25 concern over Ms. McCormick stating that she viewed

1 in the Department under any circumstance?
2 A. Yes, we can keep kids in our Department until
3 the age of 21. To keep them over the age of 19 they
4 have to go before the Custody Review Board, but we have
5 jurisdiction until their 21st birthday.
6 Q. Is that a statutory grant?
7 A. Yes, it's a statutory. It's in the statute.
8 Q. Are there particular criteria that are used to
9 decide who stays and who gets either released or
10 transferred to the adult system?
11 A. Well, let me kind of explain. The criteria
12 for the kids that are in our custody under the Juvenile
13 Corrections Act, they have to go before the Custody
14 Review Board. The Custody Review Board are the ones
15 that determine whether or not they stay with us. Their
16 retention rate is probably about 95 percent, I think.
17 Most kids end up being retained with us.
18 As far as going on to the correctional
19 facility, those are kids that are blended sentences.
20 So, they committed a crime that is -- has been waived to
21 the adult court. And those kids -- it really depends on
22 how it works. Those kids can stay with us until their
23 21st birthday or they can transfer over to the adult
24 system.
25 We have indeterminate sentencing for the kids

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1 military background as a negative?
2 A. Well, obviously she did because she sent this
3 e-mail to me. So, she was concerned about it as well.
4 Q. All right. Did she indicate anywhere in the
5 e-mail that you can see that she viewed it as a legal
6 issue or inappropriate or risky to the Department not to
7 want to interview or hire military background
8 applicants?
9 A. Well, I don't see it as illegal or
10 inappropriate. I see it as the right thing to do
11 because she's wanting to go down the list to figure out
12 if any of these would be appropriate for our Department,
13 instead of assuming based on the fact that they're
14 military or Department of Corrections that they would
15 think black and white instead of gray.
16 Q. All right. Do you know at this point how long
17 Ms. McCormick would have been in charge of considering
18 applicants?
19 A. No, I wouldn't know.
20 MR. SCHOPPE: I think I may be done, if I can
21 just get two minutes to just double check.
22 MR. COLLAER: Sure.
23 (Discussion held off the record.)
24 Q. (BY MR. SCHOPPE) All right, just a last few
25 things. Are juveniles who are over the age of 18 kept

1 that are under the Juvenile Corrections Act, which means
2 we determine how long they stay in our system. But in
3 adult corrections it's really the judge that determines,
4 number one, whether or not they stay within our system
5 and number two, if when they're done with programming in
6 our system whether or not they go to the adult system.
7 Q. All right, thank you.
8 A. You're welcome.
9 Q. That's very educational actually. With
10 respect to recidivism, when juveniles who have been in
11 the system go out and commit another crime and also
12 perhaps another crime -- suppose they've been in the
13 system for a burglary to start with and then they commit
14 another crime, say a burglary and a drug offense. Is it
15 the case that the lesser of the two charges is counted
16 rather than the greater of the two?
17 MR. COLLAER: Counted in what way, Counsel?
18 MR. SCHOPPE: Counted for purposes of
19 recidivism calculations.
20 THE WITNESS: Our recidivism calculations are
21 based on a new conviction. So, it wouldn't matter what
22 charge it was. They were convicted of a new crime, so
23 it would count in the recidivism numbers.
24 Q. (BY MR. SCHOPPE) So, every conviction for
25 every crime?

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1 A. Every conviction is -- so, if a juvenile
2 commits two crimes, then they recidivated. They
3 don't -- it's not double jeopardy. It's not two
4 recidivism counts. It's one juvenile recidivated and so
5 they had -- you know, they committed two crimes but they
6 recidivated, and so that would count in our recidivism
7 numbers.

8 Q. And is recidivism broken down into types of
9 recidivism for particular crimes or types of offenses?

10 A. Yes, in -- yes and no. When we do an overall
11 recidivism study that is much more involved and
12 complicated, then yes. On a regular basis, like if you
13 were to look at our Director's Dashboard, that is just a
14 data dump. So, what that means is if a juvenile turns
15 18, is released from us, and commits a crime as an
16 adult, every night the court data is dumped into ours
17 and so we would know automatically that a kid
18 recidivated.

19 Q. All right. And in those circumstances where
20 there is perhaps a more serious crime, like a violent
21 assault coupled with a drug charge or something that
22 might be more minor, are those assigned to one category
23 or another? Are they counted under the less serious
24 charge or the more serious charge?

25 A. I guess I'm still having trouble -- if

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1 you're -- when a juvenile is committed to us, their
2 crimes are listed in IJOS in, you know, what the
3 committing crime is. That's the information that we use
4 when a kid is committed to us, what's on the court
5 order, if that's what you're meaning.

6 If you're meaning, if we're still talking
7 about recidivism and we're discussing whether or not a
8 kid recidivates and -- so, for instance, if a juvenile
9 is committed to us on a burglary charge, they're
10 released and they run away from home, those don't count
11 as recidivism numbers because that's a status offense,
12 it's only based on their age. If they commit a crime
13 where they assaulted another person or they stole a car,
14 that would count as a new charge. And depending upon
15 what the charge is in the court order, that's what we
16 would count.

17 Q. Going back to the situation involving
18 McCormick and CY did you ever become aware whether
19 Diane Miles stood outside the door while Ms. McCormick
20 was with CY for any period of time?

21 A. Yes, I was aware of that because I saw the
22 video.

23 Q. And what did you see on the video?

24 A. I saw her standing outside for a bit.

25 Q. For how long?

1 A. I don't know how long it was.

2 Q. If I suggested it was 40 or 45 minutes, would
3 that make sense to you?

4 A. I don't -- I really don't -- I don't know how
5 long it was.

6 Q. Do you know what she was doing standing
7 outside the door?

8 A. At the time, no, I didn't know what she was
9 doing. I mean, I was surprised that she was standing
10 outside the door. And the whole piece was concerning to
11 me. That any staff at any of my facilities would allow
12 another staff to be behind a closed door with one of our
13 kids is inexcusable.

14 Q. Was any disciplinary action taken against her
15 for that?

16 A. I don't know. That would have been her
17 supervisor.

18 Q. How is it that you came to handle the "Really"
19 disciplinary incident that we talked about earlier with
20 respect to Ms. Ledford as opposed to Julie McCormick,
21 her supervisor, handling it or even Betty Grimm?

22 MR. COLLAER: What disciplinary incident are
23 you referring to?

24 Q. (BY MR. SCHOPPE) The "Really" incident where
25 Ms. Ledford said "Really."

1 A. Well, again, as far as disciplinary, nothing
2 was put in her personnel file. I just asked her to come
3 down and talk to me to hear her side of the story.

4 Q. Was there a reason that wasn't left for her
5 supervisor or Ms. Grimm to handle?

6 A. I was there. I saw it happen.

7 Q. Was there a reason, though? It sounds like
8 ordinarily you would leave discipline up to a
9 supervisor; is that fair?

10 A. Unless I'm present when the situation happens.

11 Q. Okay.

12 A. If that would happen in any of the facilities,
13 I would ask to talk to the staff.

14 Q. After you had seen Diane Miles standing in
15 front of the door on the video, is there a reason that
16 you didn't handle that, because you became aware of that
17 at that point?

18 A. It was being handled through the process and
19 through the investigation and all of that. I felt like
20 it was being handled.

21 Q. Did you know who was handling it?

22 A. Betty and all of her staff that were working
23 through that whole procedure and process.

24 MR. SCHOPPE: All right. I'm going to have to
25 close off, but I'm going to have to keep it open because

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1 it sounds like we have this issue potentially with the
2 Knoff settlement, but other than that I'm done.
3 MR. COLLAER: Nothing further.
4 MR. SCHOPPE: Thank you for your time.
5 (Deposition adjourned at 4:27 p.m.)
6 (Signature requested.)
7 -oOo-

1 ERRATA SHEET FOR SHARON HARRIGFELD
2 Page ___ Line ___ Reason for Change
Reads _____
3 Should Read _____
4
5 Page ___ Line ___ Reason for Change _____
6 Reads _____
7 Should Read _____
8
9 Page ___ Line ___ Reason for Change _____
10 Reads _____
11 Should Read _____
12
13 Page ___ Line ___ Reason for Change _____
14 Reads _____
15 Should Read _____
16
17 Page ___ Line ___ Reason for Change _____
18 Reads _____
19 Should Read _____
20
21 Page ___ Line ___ Reason for Change _____
22 Reads _____
23 Should Read _____
24 You may use another sheet if you need more room.
25 WITNESS SIGNATURE _____

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1 CERTIFICATE OF WITNESS
2 I, SHARON HARRIGFELD, being first duly sworn,
3 depose and say:
4 That I am the witness named in the foregoing
5 deposition consisting of pages 1 through 177; that I
6 have read said deposition and know the contents thereof;
7 that the questions contained therein were propounded to
8 me; and that the answers contained therein are true and
9 correct, except for any changes that I may have listed
10 on the Change Sheet attached hereto:
11 DATED this ___ day of _____, 20__.
12
13
14
15 SHARON HARRIGFELD
16
17 SUBSCRIBED AND SWORN to before me this ___ day
18 of _____, 20__.
19
20
21 NAME OF NOTARY PUBLIC
22
23 NOTARY PUBLIC FOR _____
24 RESIDING AT _____
25 MY COMMISSION EXPIRES _____

1 REPORTER'S CERTIFICATE
2 I, SHERI FOOTE, CSR No. 90, Certified Shorthand
3 Reporter, certify: That the foregoing proceedings were
4 taken before me at the time and place therein set forth,
5 at which time the witness was put under oath by me;
6 That the testimony and all objections made were
7 recorded stenographically by me and transcribed by me or
8 under my direction;
9 That the foregoing is a true and correct record
10 of all testimony given, to the best of my ability;
11 I further certify that I am not a relative or
12 employee of any attorney or party, nor am I financially
13 interested in the action.
14 IN WITNESS WHEREOF, I set my hand and seal this
15 1st day of October, 2013.
16
17
18
19
20
21 
22 SHERI FOOTE, CSR No. 90, RPR, CRR
23 Notary Public
24 P.O. Box 2636
25 Boise, Idaho 83701-2636
My commission expires January 17, 2016

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